



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission

FROM: Chris Mehl, City Commissioner

SUBJECT: Potential Parks and Trails Bond Policy Discussion

MEETING DATE: June 18, 2012

AGENDA ITEM TYPE: Action

RECOMMENDATION: Consider information presented and provide staff with direction to prepare a motion to be considered in July for the City Commission to place a referendum on the November ballot authorizing the City to sell bonds for to acquire money purchase and improvement of parks, trails, recreation fields, and preserving water quality along creek and stream corridors.

SUMMARY: Bozeman's parks, trails, and recreation fields contribute to our region's high quality of life, enhance our public health, create safe, accessible opportunities for outdoor recreation and transportation, help attract and retain businesses, improve the sense of community by creating outdoor gathering spaces, and increase property values.

Investing now in parks, trails, recreation fields, and preserving water quality (e.g., water corridors such as Bozeman Creek) also makes sense as property values have lowered significantly in the past several years and the borrowing costs for a bond also remain quite low. Bozeman is expected to grow again, and a bond will help preserve and enhance our quality of life while serving our community and using careful planning and consideration to create new parkland in the fastest-growing parts of town to make larger, more cohesive parks that are more substantial than the typical "pocket parks" for newer developments. A bond also could help in the development of athletic fields that will help draw in larger tournaments, creating an economic benefit for our community.

A survey of Bozeman residents conducted as part of the 2007 Bozeman Parks, Recreation, Open Space, and Trails (PROST) plan identified "more and/or better trails" as the highest recommendation for improving Bozeman's facilities, followed by parks, and then by open space. A private opinion survey conducted this year, discussed in detail later, also showed strong public support for either a \$10 million or \$15 million parks/trails bond, both by two-to-one ratios.

The 2007 PROST Plan, unanimously adopted by the City Commission and created with considerable public input, identified the need to expand and improve the City's parks and trails system, and called for the City to consider a bond for the purchase of trails and parkland.

Responding to public interest, last summer (July 2011) the City Commission voted to analyze the feasibility of a possible bond to protect water quality and increase and improve trails, parks, and outdoor recreation in the City. Also, at the start of this year, the City Commission made a bond for parks, trails, and recreation one of its priorities for 2012. During the past twelve months, a number of residents have been meeting with City Staff and Commissioners to discuss costs, needs, locations, and benefits of a bond. It is with the grassroots urging of these groups, that this issue has been placed on the agenda for consideration.

The cities of Helena and Missoula have passed open space bonds. Missoula City and County residents voted to fund a \$5 million open space bond in 1995 and a \$10 million open space bond in 2006 with the money split between the two jurisdictions. Helena voted in 1996 for a \$5 million open space bond.

Unlike those cities, Bozeman does not have a dedicated fund for acquisition and improvements of public parks, trails, and recreation fields. This Policy Memo discusses a possible bond that could be placed on the ballot this November, including background, need, the benefits and costs, accountability, and how such a mechanism could work should the City decide to put a bond measure to the voters for their judgment.

UNRESOLVED ISSUES: The Memo concludes with a series of clarifying questions the Commission should address along with possible language and funding levels for a potential bond. Other issues may be identified by the City Commission.

FISCAL IMPACT: Bond values of both \$10 million and \$15 million have been discussed. City staff estimates that the maximum cost for a “typical household” for a \$10 million bond would be just under \$30 annually, and just less than \$45 a year for a \$15 million bond. Details of the City’s bonding capacity and costs to the City and taxpayers are discussed in depth in the following memo.

ATTACHMENTS:

Examples of other Montana city bonds

Polling Memo: Public Opinion Strategies Memo: “Key Findings from a Survey of Bozeman Residents Regarding Support for Bond Measure to Fund Trails, Natural Areas, Water Quality, and Outdoor Recreation Areas”

Report Compiled on June 7, 2012

This memo was prepared with the help of Ron Dingman, Brit Fontenot, Anna Rosenberry, Greg Sullivan, Thom White, and Chuck Winn.

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BACKGROUND

For a number of years Bozeman's slogan has been "Bozeman: The Most Livable Place" and the City's parks, trails, open space, and other programs play an important role in meeting that objective.

The 2007 Parks and Trails Plan is the planning document the City utilizes concerning parks and outdoor recreation. The full PROST Plan is at:

<http://www.bozeman.net/Smarty/files/78/78215f19-19b9-44c0-8fd9-7df9068aeb0.pdf>.

A map of PROST Plan identifying existing and proposed trails can be found at:

<http://www.bozeman.net/Smarty/files/47/474f9f7f-e1ad-4c2d-81b6-e3c46bb0c5b9.pdf>.

The PROST Plan provides both policy recommendations along with the results of a small residential survey. The survey results showed that hiking/walking was the number one activity among all age groups, followed by biking and cross country skiing. When asked to select the top three recreational facilities used, residents selected trails, parks, and open space in that order.

The survey also noted, "When asked to think of a recommendation to improve the City's recreation opportunities, more and/or better trails was the most frequently listed response." Respondents also selected trails as the top "additional" recreation facility they wanted to see and that "more and/or better trails" should be the highest priority of the City.

On the policy and goals side, PROST identifies the establishment of "regular and sufficient funding sources to acquire, develop, and maintain public parks, trails, and recreational facilities" as a top goal (#3). Other related goals include expanded public accessibility (1), partnerships with local groups and the school district (4), connections of existing and expanded trails (5), usability and proper location of facilities (6), and planning for acquiring or preserving significant open space and expanding the City's trails system (10).

Under its Recommendations in Chapter 10, PROST calls for expanding the parks and trails system, making sure that it reaches underserved areas of the City, and exploring an open space bond. The PROST plan also states that an open space bond would provide the opportunity for the City to be proactive in the selection and purchase of land for the purpose of connecting trails and placing sports facilities where they make the most sense; both for need and cost.

Last summer, as noted in the Summary above, responding to inquiries from a number of citizens, the City Commission unanimously requested technical advice from the Trust for Public Land (TPL) on a number of fiscal and legal issues surrounding a potential bond. TPL prepared a background report, met with all five City Commissioners, and the report also was shared with City Staff.

Since then, the City Commission has made a possible parks and trails bond a priority for this year, and a number of Bozeman groups, individual citizens, and business leaders representing a variety of outdoor recreation uses (including organized sports such as soccer, rugby, and lacrosse; trail users; bikers; skiers; those interested in Bozeman Creek; etc.) have met a number of times with City Staff from the Parks Department along with several Commissioners. Also, the proposed fiscal year 2013 budget highlights a number of objectives for the Parks Department including to “acquire and develop new parks,” “providing an adequate number of sports fields,” “to continue adding, upgrading, and maintaining safe, quality sports fields and equipment,” and “to improve, maintain, and expand the trail system.”

NEED, PUBLIC HEALTH, SAFETY, AND ECONOMIC BENEFITS

City Staff note that Montana cities average roughly twenty acres of parkland per 1,000 people and Bozeman currently has roughly 19 acres per 1,000 people within City limits.

As noted earlier, the PROST plan calls for expanding the capacity of the City’s parks and trails. For example, in Chapter 7, the PROST plan recommends making trail connections where we have gaps. In Chapter 10 it recommends more Dog Parks and Multi-Use fields under the Top Ten Capital Facility Recommendations. Under the Top Ten Non-Facility Recommendations it lists “Evaluate and implement new methods of acquiring and improving park land.” City Staff also have identified a “real weakness” in the City’s east to west trail connections and also the desire to make connections between the Bozeman Pond, Rose Park, and the Regional Park. [Note: This also could allow us to connect with a pathway to Belgrade, which is identified as a priority in the PROST plan and could be done in partnership with that city and Gallatin County.] City Staff also recommend possibly looking at how to complete the connections from Bozeman to the “M” and to the Gallatin Range.

Bozeman also is hampered in our ability to host large outdoor sports tournaments in Bozeman because of the lack of fields and adequate facilities. Bozeman has had good success in bringing indoor tournaments to the City, but not as much for similar outdoor events. As an example of this need, the recently submitted budget proposal for the Bozeman Tourism Business Improvement District (TBID) identified a number of strengths and challenges facing the community, and highlighted “limited sport/event fields and facilities” as one of the missed opportunities in Bozeman.

Public Health and Safety

As noted earlier, additional and improved parks and trails will provide significant public health benefits, provide adequate space for children and families to play, and will provide safer routes to schools and to places of work. Studies show that families who live closer to parks and trails have decreased rates of obesity and related diseases. Completing trail connections also provides expanded non-motorized transportation routes, which can especially benefit children by providing safe routes to school, and the underserved portion of our population that does not or cannot drive motor vehicles.

Economics

This section discusses the economic value of parks and trails, notes what other Montana cities are doing, and evaluates the impact of parks and trails as part of a higher quality of life that helps retain and attract new businesses, and increase real estate values. As noted immediately above, the expansion of parks, trails, and fields also should help expand tourism to the region through

increased sports tournaments. Similar communities have seen significant revenue to local businesses as a result of outdoor athletic tournaments.

The City's Economic Development Plan (<http://www.bozeman.net/Smarty/files/06/064cfc00-949e-4e95-ab82-2c05a4ae0b55.pdf>) repeatedly notes the importance of Bozeman maintaining and building upon its high quality of life as both an economic attractant and as a way to help existing businesses grow and prosper. The plan notes a number of advantages Bozeman already has compared to other cities—such as the historic Downtown, Montana State University, the hospital, retail center, and good school system.

One of the priorities of the city's economic plan is to continue attracting new economy firms—businesses which could be located anywhere in the United State but choose to locate and/or expand in Bozeman because of the region's high quality of life and other factors. Parks, trails, and recreation fields are part of this equation, and other cities, such as Helena and Missoula, have already passed bonds to expand and improve their outdoor recreation.

Also, the Billings Chamber of Commerce recently set five strategic priorities for 2011-2012, one of which is to “develop the Billings trail system for the economic and healthy community benefits that result from active transportation (to work and school and for leisure). The Board, staff and Trails Committee members will help communicate the quality of life and economic benefits of trails.” (<http://billingschamber.com/site/annual-priorities/>)

Business and academic literature is increasingly citing the importance of quality of life for 21st Century growth. For example, a study done at the University of North Carolina for the U.S. Department of Commerce found that:

Traditionally, the location decisions of firms have been driven primarily by factors such as land costs, labor costs and access to materials and markets. Today, however, quality of life for employees is becoming an important factor as well, particularly for knowledge-based industries such as telecommunications, computers, entertainment, and biotechnology that are part of the so-called New Economy....

An increasing number of firms are seeking locations that will attract and retain a well-educated work force. Thus, areas offering cultural and recreational amenities (e.g., theaters and bike trails) could have a competitive advantage over places that do not. (The Importance of Quality of Life in the Location Decisions of New Economy Firms)

Another study found similar results, noting that “quality of life has a major impact on a place's ability to attract well-educated and talented workers.” The report, How Cities Use Parks for Economic Development, further states in its executive summary that:

Parks provide intrinsic environmental, aesthetic, and recreation benefits to our cities. They are also a source of positive economic benefits. They enhance property values, increase municipal revenue, bring in homebuyers and workers, and attract retirees. At the bottom line, parks are a good financial investment for a community. Understanding the economic impacts of parks can help decision makers better evaluate the creation and maintenance of urban parks.

The importance of quality of life as an economic driver can be seen locally in the results of the Economic Summit held in Bozeman earlier this year. Business leaders attending the summit highlighted three assets and positive attributes of our community. In addition to education and diversified economy, the number one attribute was broadly described as “quality of life” which included recreational opportunities, cultural and natural amenities, and other factors.

Numerous other studies also have shown that parks and open space increase the value of neighboring residential property. For example, a study completed earlier this year, The Economic Benefits of Open Space and Trails in Pinal County, Arizona, found that “Parks and protected open space increase the value of nearby residential properties because people like living close to parks and protected open spaces and are willing to pay for the privilege.”

Most similar studies have found that preserving open space land generally, but not always, increases the property value of nearby homes. The studies use a variety of methods to determine this, and consider such variables as the type, location, and use of the open space, (large rural areas or city parks; passive vs. active recreational use) and the distance between the open space property and the residential property in question.

Three additional reports summarize the methodology and results of these studies: The Impact of Parks and Open Space on Property Values and the Property Tax Base, commissioned by the National Recreation and Park Association; The Value of Open Space: Evidence from Studies of Nonmarket Benefits, by Resources for the Future, a national nonprofit organization; and Economic Impacts of Protecting Rivers, Trails and Greenway Corridors, prepared for the National Park Service.

According to the Impact report, the economic contributions of public park land and open space are twofold: first, they often increase nearby property values (resulting in more property tax revenue to the town). Second, the town avoids costs associated with providing municipal services to a residential development that might otherwise be located on the site.

The Impact report notes that “the real estate market consistently demonstrates that many people are willing to pay a larger amount for a property located close to parks and open space areas than for a home that does not offer this amenity.” The Impact report reviewed 25 studies on the impact of parks and trails to residential values and found that 20 of the results showed an increase.

The Rivers, Trails and Greenways study states that the real estate industry found that 77.7 percent of home buyers and shoppers rated natural open space as either “essential” or “very important” in planned communities. The Rivers, Trails and Greenways study also notes that increases in property values depend upon the ability of developers and planners to minimize potential homeowner-park use conflicts and provide access to the open space and the views it offers.

The Impact report carefully cautions that is hard to quantify the impact of open space on property values because of the many different types and uses of open space, the various uses of the land surrounding them, and other factors. That said, the report then states that a 20 percent increase in value for property adjoining or fronting a passive-use park is “a reasonable starting point.” The increase is higher if the park is large, well maintained and primarily used for passive purposes, such as hiking. The increase is lower for property that abuts smaller open space tracts or open

space used for active recreation, such as ball fields. Distance from the open space also plays a role. Property owners living closer to open space enjoy a greater benefit than those whose homes are further away.

POSSIBLE PROJECTS, COST OF LAND, BORROWING, EXISTING COUNTY BOND

This section lists a sample of possible projects that could be funded by a bond:

- Trail connections that close critical gaps to make our system safer, provide safer routes to schools, and create more access to our parks;
- Improvements to parks and trails that will help protect Bozeman Creek, such as redesigning Bogert Park;
- Expansion of existing parks to enhance recreational opportunities;
- The development of athletic fields to draw in larger tournaments, creating a new economic benefit for our community;
- Purchase the East Gallatin Recreation Area if the state decides to liquidate it;
- Expansion of the Bozeman Pond park and trail system;
- Development of East-West trail connections to provide expanded non-motorized transportation options; and
- Creation of neighborhood parks in the newest parts of town, where “pocket” or linear parks created through new developments are not adequate to meet the community’s needs.

Low Land and Borrowing Costs

Now is a good time to buy land because of relatively low prices; which are sometimes half, or even less, than what they were five or six years ago. Land prices may differ for a variety of reasons, but as the *Chronicle* noted in a March 4, 2012 story: “The school district recently paid \$27,500 per acre to buy land for a new elementary school. In the past, the district paid twice as much, \$52,500 an acre for a future high school site and \$90,000 an acre for the new Chief Joseph Middle School site.”

In addition, borrowing costs also are low, often at less than three percent. The recent refinancing of a number of the City’s debt obligations to save money by capturing significantly lower interest rate shows the benefits of borrowing at current rates.

City Bond-County Bond

This proposed bond would be City only, and a number of City residents have asked about how this is different from the Gallatin Open Space Measures passed in 2000 and 2004. Funds from the Gallatin County Open Space Measure were used across the County, including the 100-acre park, but predominantly for the acquisition of conservation easements to protect open spaces within the County, primarily working farms and ranchland. Funds from the Bozeman measure will be focused on purchasing land from willing sellers for the benefit of Bozeman residents, and with public access to all citizens, with the emphasis on protecting water quality and natural areas, and the creation and improvement of trails, parkland, and outdoor recreation opportunities.

PUBLIC SUPPORT AND PARTNERSHIPS

Details of the public survey from the 2007 PROST plan were discussed earlier. In addition, the Recreation and Parks Board has voted in support of this proposed bond measure in May 2012.

In addition, there is strong public support for a bond. Earlier this year, a number of parks and trails supporters, groups, and businesses raised private funds to pay for a poll by Public Opinion

Strategies, a nationally recognized polling firm that conducts surveys for the Wall Street Journal and many other outlets.

That poll showed two-to-one support for a bond, either for \$10 million or for \$15 million, and that residents “connect these investments to protecting their quality of life.” The poll also showed that “initial solid support levels became more intense and stronger as voters learned more” about the costs, benefits, and possible operation of a bond.

The pollster’s memo is attached. Highlights include:

- **The Numbers:** Given sample bond language 62% indicate they will vote yes in support of the \$10 million measure and 69% yes in support of the \$15 million measure. More than one-quarter in either case indicate they will “definitely” vote Yes. One-quarter or fewer (25% and 19% respectively) say they would oppose the measure.
- **Support is broad-based and wide-spread.** Given the lack of significant distinction between the two amounts tested, we can combine the samples and examine sub-groups as a whole. There is significant support among many key sub-groups, including...
 - Men (65% Yes) and women (60%);
 - Younger voters under age 45 (70%), age 45-54 (58%), age 55-64 (64%) and seniors (56%); and
 - Parents (61%) and those without children at home (68%).
- **Voters respond positively to a range of ways funds are used in their community.** Proposals such as preserving water quality, protecting the community’s quality of life, improving trails, preserving natural areas, and improving natural parks all scored highly.
- **Managing the funding:** City residents have confidence in the City to manage these funds well. Nearly three-quarters (74%) say that they are either very confident (19%) or somewhat confident (55%) that the city would handle these funds well.
- **Accountability provisions incorporated into the ballot language would make voters more likely to support the measure.** Issues such as requiring that funds be used solely for parks, trails, and natural areas; an annual audit; the review of a local citizens committee; and an automatic sunset all gave respondents more confidence the funding would be used wisely.
- **In summary,** “Bozeman residents are supportive of a measure which would bond to fund trails, natural areas, water quality and areas for outdoor recreation. Residents make the connection between these elements and their good quality of life and want to see that maintained.”

Local Groups and Partnerships

As noted earlier, a number of local groups have been meeting and have expressed interest in the possibility of a parks, trails, and recreation fields bond. The PROST plan calls for increased partnerships, both with local groups and with the schools. Existing partnerships, such as that with the Gallatin Valley Land Trust, Rotary Club, Optimists, and other civic groups, already provide volunteer support to the City’s parks and trails. Recently, a number of Bozeman groups have expressed interest in the idea of potential partnerships that would save and stretch taxpayer dollars. For example, several outdoor recreation groups (soccer, rugby, lacrosse, etc) are exploring the idea of signing an MOU with the City to provide some or all maintenance for new or upgraded recreation fields.

In addition, a number of landowners—whether families, businesses, or banks—have indicated that they would be receptive to selling land now and working with the City and others to secure a fair and reasonable return on taxpayer dollars.

Some of the user groups, businesses, and organizations that have expressed interest in this concept include:

Big Sky Wind Drinkers
Blitz Soccer Club
Bozeman Area Bicycle Advisory Board
Bozeman Creek Enhancement Project
Bozeman Women’s Activity Group
Bridger Ski Foundation
Gallatin Valley Lacrosse
Gallatin Valley Land Trust
GALLEP
Montana Conservation Voters (Gallatin/Park Chapter)
Northern Lights Trading Company
Oboz Footwear
REI
Run Dog, Run
Sonoran Institute
Trust for Public Land
Wilderness & Recreation Partnership

HOW IT WOULD WORK

This section discusses how a possible bond would work and related details. In addition, the bond counsel who assisted the City in refinancing its current bonds will attend the Commission meeting and will be able to answer additional questions that may arise. One advantage of a bond is that the language of the ballot measure authorizing the bond restricts money only to be used for explicit, clear purposes.

Note: The City Attorney provides the information in this next section related to the legal authority for the sale of bonds. If the Commission decides to move forward additional legal review will be required. Please note, the City has retained outside bond counsel to assist the City should the Commission move forward.

There are two statutory frameworks that provide authority to call for an election for the sale of bonds to support parks and trails: Title 7, Chpt. 16, Part 41, MCA (cultural/social/recreational facilities) and the Montana Open Space Act (Title 76, Chpt. 6, MCA). Examples of using both frameworks for bonding by Bozeman and other Montana cities are attached to this memo. Generally, the first option (Title 7, Chpt. 16) has been used for structures and the second option (Title 76, Chpt. 6) has been used for parks, trails, water quality, and open space bonds.

Examples of other bonds:

- Gallatin County open space bond 2004
- City of Helena open space bond 1996;
- Missoula County/City open space bond 2006;
- City of Kalispell pool bond 2002;

- Bozeman Public Library bond sale 2001; and
- Missoula aquatics facilities 2003.

The first part of this section discusses these two frameworks including the scope of projects that could be funded and the statutory limits on indebtedness. The next part of the memo will discuss generally the process for selling general obligation bonds.

I. Specific Statutory Authorization For the Sale of Bonds to Fund Parks/Trails

Montana law provides two statutory frameworks authorizing the issuance of general obligation bonds to provide funding for the purchase of lands or rights-of-way for parks and trails and for the purposes identified in the sample ballot language [included at end of memo].

a. Title 7, Chpt, 16, Part 41, MCA (Cultural, Social, and Recreational Facilities)

Sect. 7-16-4104, MCA, provides specific authority for a municipality to “contract an indebtedness... by issuing bonds:”

7-16-4104. Authorization for municipal indebtedness for various cultural, social, and recreational purposes. (1) A city or town council or commission may contract an indebtedness on behalf of the city or town, upon the credit of the city or town, by borrowing money or issuing bonds:

(a) for the purpose of purchasing and improving lands for public parks and grounds;

(b) for procuring by purchase, construction, or otherwise a swimming pool facility, athletic field, skating rink, playground, museum, golf course, site and building for a civic center, youth center, or any combination of these facilities; and

(c) for furnishing, equipping, repairing, or rehabilitating a swimming pool facility, athletic field, skating rink, playground, museum, golf course, civic center, or youth center.

(2) (a) The total amount of indebtedness authorized to be contracted in any form, including the existing indebtedness, may not at any time exceed 0.9% of the total assessed value of taxable property, determined as provided in [15-8-111](#), within the city or town, as ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness.

(b) Money may not be borrowed for any purpose on bonds issued for the purchase of lands and improving the land until the proposition has been submitted to the vote of the qualified electors of the city or town and a majority vote is cast in favor of the proposition.

The above statute specifically allows the sale of bonds for three distinct purposes: (i) purchasing and improving lands for public parks and grounds; (ii) for procuring by purchase, construction, or otherwise a swimming pool facility, athletic field, skating rink, playground, museum, golf course, site and building for a civic center, youth center, or any combination of these facilities; and (iii) for furnishing, equipping, repairing, or rehabilitating a swimming pool facility, athletic field, skating rink, playground, museum, golf course, civic center, or youth center.

The City Commission may rely upon the authority granted to it by this section to adopt a resolution putting before the voters the question of whether to sell bonds for park and trail purposes. It is important to note this provision authorizes only the purchase and improving of lands for parks, the purchase or construction of the types of active recreational facilities listed in subsection (1)(b) and for furnishing, equipping, repairing, or rehabilitating the facilities listed in subsection (1)(c).

If this part is to provide the authority for issuing of bonds the language of the ballot must necessarily reflect the statutory provisions and the use of bond proceeds will be limited to the purposes enumerated in this part or as further restricted by the ballot language.

While this part of the MCA does not include the term “maintenance” it allows for furnishing, equipping, repairing, or rehabilitating those facilities listed in subsection (1)(c). In 1986, Montana Attorney General Greely stated, in referring to a previous version of 7-16-4104, which at that time did not authorize repair or maintenance, “The word ‘maintenance’ has been held to be synonymous with ‘repair.’” 41 Mont. Op. Atty. Gen. 301 (1986) (internal citations omitted). As you can see, the Legislature later amended 7-16-4104 to include the terms repair and rehabilitation. As such, it appears the addition of the term “repair” into 7-16-4104(1)(c), MCA, authorizes the use of bond proceeds for maintenance of the facilities enumerated in subsection (1)(c): a swimming pool facility, athletic fields, skating rinks, playgrounds, museums, golf courses, a civic center, or a youth center. If the Commission is interested in using 7-16-4104 as the authority to sell bonds for parks and trails, the City Attorney requests the ability to further research the authority to use bond proceeds for “repair and rehabilitation.”

Pursuant to Sect. 7-16-4104(2), MCA, **the amount of indebtedness** the City will be limited to authorizing in its sale of bonds is 0.9% of the “total assessed value of taxable property, determined as provided in Sect. 15-8-111 [MCA] within the city or town...” According to the State of Montana Department of Revenue, the “total assessed value of taxable property” is equivalent to the “taxable market value.” **As such, 0.9% of the taxable market value for FY2012 is \$26,955,000.**

The City does not currently have any outstanding indebtedness under this provision of Montana law. As such, all of this indebtedness capacity is currently available. However, if the Commission moves forward with adopting a resolution to put the sale of bonds before the voters the Commission should engage bond counsel to not only oversee the process, provide an opinion on specific ballot language, but also to opine on the following question:

- Is the 0.9% limit provided for in 7-1-4104(2), MCA, in addition to or subject to the bond limit provided for in Sect. 7-7-4201, MCA (restricting a city or town from issuing bonds or incurring other indebtedness for any purpose in an amount that with all outstanding and unpaid indebtedness exceeds 2.5% of the total assessed value of taxable property).

b. The Montana Open-Space Land and Voluntary Conservation Easement Act (Title 76, Chpt. 6, MCA) (the “Open Space Act”)

The Open Space Act provides specific authority to local governments to issue “for the purposes of [the Open Space Act] general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state...” 76-6-109(2), MCA.

The purposes of the chapter are listed in 76-6-103, MCA, and include “provid[ing] for the preservation of... open space land...” 76-6-103(2), MCA. The term “open space lands” is defined in the Open Space Act:

- (3) "Open-space land" means any land which is provided or preserved for:
 - (a) park or recreational purposes;
 - (b) conservation of land or other natural resources;

- (c) historic or scenic purposes; or
- (d) assisting in the shaping of the character, direction, and timing of community development.

76-6-103, MCA.

As such, the proceeds of a bond sale authorized under the Open Space Act can be used for “park and recreational purposes.”

In 1996, the voters of the City of Helena authorized the sale of bonds under the authority of the Open Space Act. The City of Helena requested an Attorney General opinion on the use of bond proceeds “for the purpose of purchasing and improving lands for public parks and grounds, as well as for the purchase and construction of athletic fields.” 47 Mont. Op. Atty. Gen. No. 8 (1997). The first question was whether the Open Space Act authorized the use of proceeds from the sale of bonds for such purposes or, rather, should the City of Helena have relied upon the provisions discussed above under 7-16-4104, MCA. Attorney General Mazurek noted first the resolution put before the voters cited to the Open Space Act and after analyzing the provisions of the Open Space Act determined “the restrictions in 7-16-4104 do not apply.” *Id.*

The City of Helena also inquired as to whether the proceeds from the sale of bonds could be used for maintenance of lands purchased with bond money. The Attorney General noted 76-6-109(1)(e) authorizes the use of proceeds from the sale of bonds for maintenance, operation, and repair and thus stated Open Space Act bond proceeds could be used for maintenance of land acquired “by the expenditure of the bond proceeds.” The Attorney General cautiously noted the City of Helena did *not* inquire “as to expenditure of bond proceeds to maintain open-space land not acquired by expenditure of bond proceeds” and therefore specifically expressed no opinion on the matter. *Id.*

As for the limit on indebtedness, the amount of indebtedness that can be assumed under the Open Space Act limit is the general indebtedness limit for the City found at 7-7-4201, MCA. As of FY2012, that debt limit is \$70,249,000.00 (see table below).

If the Open Space Act is to provide the authority for issuing of bonds the language of the ballot must necessarily reflect the statutory provisions and the use of bond proceeds will be limited to the purposes enumerated in the Open Space Act or as further restricted by the ballot language.

Legal Debt Limit—G.O.	Estimated June 30, 2012
Statutory G.O Debt Limit—2.5% of Valuation	\$74,875,000
Less: Outstanding GO Bonds (being refinanced as we speak, could go lower) Library, Series 1 & 2 (\$2,310,000) Transportation (\$810,000)	(\$3,120,000)
Less: Loans Payable Fire Station #3 (\$234,000, could be lower depending on impact fees) South 8th Ave (\$1,272,000)	(\$1,506,000)
Plus: Fund Balances Reserved for Debt Payment	-
Equals: Legal Debt Margin	\$70,249,000

The anticipated legal debt margin as of June 30, 2013 will be \$72.7 million.

II. Procedures for Selling General Obligation Bonds

Note: The City Attorney also provided the information in this section.

Regardless of the specific authority the Commission chooses to rely upon as discussed above, the City will be subject to and must follow the requirements of Title 7, Chpt. 7, Parts 41 and 42, MCA, as it sells general obligation bonds.

The limit on indebtedness has been discussed above.

Bonds may not be issued for a period of longer than 20 years. 7-7-4205.

Whenever the City Commission considers it necessary to issue bonds that pledge the general credit of the city for any purpose authorized by law, the question of issuing the bonds must be submitted to the registered electors of the City. 7-7-4221.

To call the election, the Commission must adopt a resolution or a valid petition meeting the requirements of the law must be presented to the City Clerk. 7-7-4223.

The resolution must comply with the requirements of 7-7-4226(2), MCA. Specifically, the resolution must:

- (a) recite the purpose or purposes for which it is proposed to issue the bonds;
- (b) fix the amount of bonds to be issued for each purpose;
- (c) determine the number of years through which the bonds are to be paid, not exceeding the limits fixed in 7-7-4205; and
- (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make provisions that are necessary for submitting the question to the registered electors of the city or town at the next general city or town election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election and that the governing body may call for the purpose.

Under 7-7-4226(2)(d), the resolution must contain the specific ballot language the Commission that will be presented to the voters. If the Commission moves forward and adopts a resolution, the Commission can put the question to the voters at the federal/state regular election to be held on November 6, 2012. That election will be a special election of the City. Only a simple majority of the Commission is required to put the question of selling general obligation bonds before the electors. The deadline for transmitting the resolution containing ballot language to the Gallatin County Clerk and Recorder/Election Administrator is August 13, 2012. As such, the Commission's last date to take action on a resolution will be August 6, 2012.

After adoption of the resolution described above, the City must give "separate notice of the election." 7-7-4227. The notice must contain specific information. 7-7-4227(2) and must be published and posted. 7-7-4227(3).

A majority of votes cast at the election determines whether the voters approved or rejected the bond proposition. 7-7-4235.

After the election, the staff will work with bond counsel to prepare resolutions and to sell the bonds pursuant to the procedures of 7-7-4251 – 4261.

If the voters approve the sale of bonds and the bonds are sold, the Commission must, "at the time of making the levy of taxes for general city [] purposes... levy a separate and special tax upon all taxable property in the city..." 7-7-4265. If the sale of bonds is through the Open Space Act, certain types of real property may not be taxed. See 76-6-109(3), MCA (prohibiting the levy of property taxes under the Open Space Act to agricultural and forest land and certain improvements thereon).

COSTS, MAINTENANCE, AND OTHER PRIORITIES

The table immediately below estimates annual costs to a "typical household" for both a \$10 million and \$15 million bond. See the notes and subsequent tables for further clarification on costs to taxpayers over the life of the bond.

Estimated	Typical Household		Current	20 yrs, 3%	
Tax Per Year	Cost Per Mill	Mills	Mill Value	Annual Debt Service	Total Bond Issue
\$ 44.47	\$ 3.71	11.99	\$ 83,769.00	\$ 1,004,000.00	\$15 Million
\$ 29.67	\$ 3.71	8.00	\$ 83,769.00	\$ 670,000.00	\$10 Million

These are strictly estimates. The 20 Year Muni Bond Scale is at 2.82% today.

What will be the continued tax levy effect of the bond issue, for Bozeman property tax payers after the first year? Because Bozeman's tax base continues to grow each year, a declining amount of taxes for debt service would be needed from each property owner. The City will have more properties to share the burden of paying for the bonds. For instance, assuming a two percent growth in taxable value for each year after the first year; the tax per year from a typical residence would decrease approximately 9.5% from the first year amount during the first five years.

Estimated Change in Tax Per Year on Typical Resident, \$10M Example						
	Estimated Tax Per Year	Typical Cost Per Mill	Mills	Estimated Mill Value, 2% Growth	20 yrs, 3% Annual Debt Service	Total Bond Issue
FY13	\$29.67	3.71	8.00	\$83,769.00	\$670,000.00	\$10 Million
FY14	\$29.09	3.71	7.84	\$85,444.38	\$670,000.00	\$10 Million
FY15	\$28.52	3.71	7.69	\$87,153.27	\$670,000.00	\$10 Million
FY16	\$27.96	3.71	7.54	\$88,896.33	\$670,000.00	\$10 Million
FY17	\$ 27.41	3.71	7.39	\$90,674.26	\$670,000.00	\$10 Million
FY18	\$ 26.88	3.71	7.24	\$92,487.74	\$670,000.00	\$10 Million

How will interest rates and other market factors influence the bond sale(s)? If passed, the City will be asking the voters to approve a total Face Value of bonds to be issued. For instance, “Approve \$10 Million in General Obligation Bonds...” When the voters approve this type of ballot measure, they are obligating themselves to pay back the face value of the bonds, PLUS interest over the life of the bonds at the market rate of interest when the bonds are issued. The interest rate market will not affect the total amount of money available to the program, but it will affect the amount of taxes necessary to pay off the debt each year. Because of some IRS rules, Finance Director Rosenberry reports that the City would want to time the issuance of the bonds so that we do not have large sums of bond money on hand for years on end, unspent on parks/trails. If approved for \$10 million, for example, we may potentially have two or three bond sales (\$2-4M each) to coincide with how we plan to spend the money.

That being said, the voters (tax levy) each year will pay off the debt that has been issued. If the first couple of years have less than \$10 million outstanding, the tax levy will be proportionally less, until the full amount of bonds are issued.

Maintenance

The proposed bond measure focuses primarily on acquiring land because this is an historic opportunity to purchase land for low cost and at favorable financing—and waiting could make future purchases significantly more costly or even cost prohibitive. This does not mean that the City cannot take seriously the need to properly maintain its parks and trail system. Currently, the City does this annually through a process designed to make sure that the maintenance budget is targeted and well-spent while working with volunteers to keep costs down.

This section first reviews current maintenance issues, outlines options for future maintenance, and then lists costs of maintaining various park units to provide a general understanding of costs and potential future expenditures.

The 2007 PROST plan noted that “City residents are largely satisfied with park maintenance; with 86 percent of respondents indicating that park maintenance is Excellent (12 percent), Good (43 percent) or Adequate (31 percent).”

In terms of staffing, Missoula currently runs its Park Division with 20+ FTEs. By comparison Bozeman has less than 14 and the FY 2013 budget recommends 11.77 FTEs for the Parks Department. From staff conversations with Missoula, that city maintains 356 acres with a budget of \$1.3 million, or roughly \$3651/acre. Bozeman spends approximately \$2740/acre. This recent example corresponds with the PROST study from 2007 which found that “The average park

budget per resident for all peer communities is \$47.07. Bozeman’s park budget per resident of \$37.90 lags significantly behind.”

Clearly, City Commissioners must consider future maintenance options. One choice could be to continue the current practice of allocating funds for maintenance annually, and these funds could expand as trails, parks or other lands were brought into the City system. The costs of maintenance are well-known by staff (see details below) and funding could be appropriated accurately on an annual basis to meet the increased need, factoring in differing costs for various parks types, any maintenance partnerships, and other factors.

The other option would be to conduct maintenance through one of the two bond options mentioned above. As the memo noted, the Title 7, Chpt. 16, Part 41, MCA (cultural/social/recreational facilities) option would require clarification of what’s eligible for possible maintenance beyond athletic fields. The second option, the Montana Open Space Act (Title 76, Chpt. 6, MCA), would allow for maintenance of lands acquired “by the expenditure of the bond proceeds.” So any additional lands—whether parks, trails, creek corridors, or recreation fields—could be maintained through the bond funding. The maintenance issue is highlighted again at the end of the memo, and an approach to maintenance should be clarified by Commissioners as part of the larger discussion.

Maintenance Costs Summary:

		Typical Parkland		Athletic Fields	
	Direct Cost/Acre	Annual Frequency	total cost/acre/year	Annual Frequency	total cost/acre/year
Mowing	\$40	20	\$800	40	\$1,600
Aeration	\$52	0	-	2	\$104
Fertilization	\$121	1.5	\$182	3.5	\$424
Herbicide	\$64	0.5	\$32	2	\$128
Overseeding	\$460	0	-	1	\$460
Total cost/acre/year			\$1,014		\$2,716

	Staff hours/Park	# Occurrences	Staff Hourly Rate	Total Cost/park
Garbage/Restroom Mgmt	2.0	112	15	3360
Irrigation Maintenance	60.0	1	15	900

This table is meant as an overall summary to compare costs. Garbage/restroom management is daily for 16 weeks in the summer. Staff hours vary from 0.5 - 4 hours/park. Irrigation maintenance varies for individual parks.

Other Priorities

The City always will be facing competing priorities for funding. Investing now to protect our quality of life will benefit our families, businesses, and future generations. Taking steps to improve trails, parks, and outdoor recreation are long-standing priorities that can be accomplished today when we can stretch taxpayer dollars further, and engage in a number of partnerships. Parks and trails are part of our City's infrastructure and transportation network, and no other substantial, on-going funding mechanisms currently exist to expand parks and trails.

That said, the timing and budgetary situation also allows for the City to pursue this bond while still pursuing additional actions on other priorities in the coming years. The Municipal Courts and Police Facility, replacing Bogert Park outdoor pool, the results of the Recreation/Aquatics Facility Feasibility Study, and the current Capital Improvements Program are all items that can and must be addressed and prioritized by the City.

ACCOUNTABILITY AND METRICS

The City should explore establishing a citizen's advisory group—either as part of the Recreation and Parks Advisory Board or as a new entity—made up of citizens with a variety of backgrounds with expertise in financial and accounting issues, parks and trails, development, and other related fields to perform proper oversight. That group, in collaboration with City Staff and under review of the City Commission, should develop a process that incorporates public hearings and transparent metrics by which projects would be measured and evaluated.

The ballot language itself will require that funds are to be used solely for acquiring and improving parks, trails stream corridors, and natural areas and cannot be used for any other purpose. The language also could specify maintenance issues. In addition, the ballot language should create the oversight board, to which all City regulations would pertain such as open, noticed meetings held to evaluate projects based on publicized criteria and metrics. The oversight group would make recommendations to the Bozeman City Commission on all expenditures, and the City Commission also would hold open, noticed meetings and votes before any final action could be taken. Also important, all revenues and expenditures will be subject to an annual public audit, report, and review.

QUESTIONS, BALLOT LANGUAGE, AND SUGGESTED MOTION

Questions

Should the Commission wish to proceed; the following discussion will direct the determination of whether the Commission desires to proceed under Title 7 (recreation/culture/social) or Title 76 (Open Lands Act) and also will influence the ballot language placed before voters.

- 1) The types of projects that will be funded with the proceeds of a bond sale. This would include:
 - Real property purchases;
 - Purchases of easements or other legal entitlements to use real property (e.g. a lease such as exists on the Story Mill Spur Trail);
- 2) Should the real property purchased or the rights-of-way obtained be limited to those within the City or will the City be authorized to purchase real property interests outside of the City?
- 3) What types of improvements to the real property/rights-of-way purchased with bond proceeds should the bond proceeds fund?

- 4) Does the Commission want to fund improvements with bond proceeds to lands NOT acquired with bond proceeds?
- 5) Will the Commission be interested in using bond proceeds for maintenance of existing and/or property interests obtained with bond proceeds?
- 6) Will all acquired property interests purchased require public access?
- 7) The Commission may want to determine at this time the specific dollar amount of bonds to be sold;
- 8) How does the Commission want to structure the administration of the trails/park bond program?
 - a. Creation of an advisory board;
 - b. Role of the Commission in approving purchases/acquisitions (final decision at a public hearing);
 - c. Metrics for purchases: how will the advisory group and the Commission evaluate and prioritize proposals? Who is eligible to bring forward proposals? This could be done AFTER the election if successful.
 - d. Independent annual audits;
 - e. City staff assigned/necessary to manage the program and lands acquired;
 - f. Current municipal code provisions on purchase of real property will apply – does the Commission want to alter those existing requirements (2.06.860, BMC)?

Sec. 2.06.860. - Appraisal required for certain purchases of real property or conservation easements. Unless otherwise provided by law, the city may not purchase real property in an amount in excess of \$200,000.00 or a conservation easement using public funds in an amount in excess of \$40,000.00 unless the value of the property or conservation easement has been previously estimated by a disinterested certified general real estate appraiser selected by the city manager.

- 9) Additional information the Commission requires to be provided by staff prior to or at the hearing on the resolution authorizing the election on the sale of bonds;
- 10) Other issues:
 - a. Who is eligible to vote: the law states that “registered electors” are those eligible to vote.
 - b. Can public bond proceeds be used to acquire interests in real property that would be held by a qualifying nonprofit, e.g. GVLT?
 - c. Legal issue raised earlier in the City Attorney’s section of the memo concerning the two bonding authorities.

Next Steps

Tentative Schedule:

- June 18th Commission action item directing staff to move forward (and retain bond counsel);
- July 16th Resolution before the Commission; and
- Last meeting to approve: August 6th.

Possible Ballot Language:

Shall the City Commission of Bozeman be authorized to issue and sell general obligation bonds of the City up to [Ten Million and No/100Dollars (\$10,000,000)/Fifteen Million and No/100 Dollars (\$15,000,000)], for the purpose of any one or more of the following but no other reasons: protecting lands that preserve water quality in rivers, creeks and streams, preserving natural areas, creating and improving trails, parks and recreation areas, and preserving Bozeman's quality of life) with all expenditures subject to yearly independent audits and based on the recommendations of the Parks Advisory Board, which bonds shall bear interest at a rate to be determined by the City Commission, payable semiannually during a term not to exceed twenty (20) years.

The estimated annual tax upon the issuance of the full [Ten Million and No/100Dollars (\$10,000,000)/Fifteen Million and No/100 Dollars (\$15,000,000)] in bonds, assuming a 3.0% interest rate per annum on the bonds for 20 years and based on the current assessed value of property in the City that would be subject to taxation to pay the debt service on the bonds, is estimated be \$xx for a home with an assessed value of \$100,000 and \$yy for a home with an assessed value of \$200,000.

Suggested Motion:

I move to direct staff to work with bond counsel to draft a resolution for Commission approval on July 16th placing the question of selling \$_____ worth of general obligation bonds before the registered electors of the City of Bozeman at the November 6, 2012 election under the authority of [insert "Title 7, MCA (recreation purposes" or Title 76, MCA (Open Space Act")]] for the purposes of the following [insert specific language here on the scope of use of the funds].

The scope language can, of course, be amended at the hearing on the resolution but City Staff need guidance from the Commission to draft the resolution.

MEMORANDUM

TO: TRUST FOR PUBLIC LAND

FROM: LORI WEIGEL / PARTNER / PUBLIC OPINION STRATEGIES

DATE: FEBRUARY 8, 2012

RE: KEY FINDINGS FROM A SURVEY OF BOZEMAN RESIDENTS REGARDING SUPPORT FOR BOND MEASURE TO FUND TRAILS, NATURAL AREAS, WATER QUALITY AND OUTDOOR RECREATION AREAS

Public Opinion Strategies recently completed a survey of voters in the City of Bozeman regarding their support for an extension of the current tax which funds trails, natural areas, and places for outdoor recreation.¹ The survey results show strong support for a bond measure or a mill levy to fund trails, open space, and natural areas in Bozeman. The amount – either overall or how it specifically applies to each household – are not the decisive factors for city residents. Instead, they want to be assured funds are only used for the purposes they find important. Residents say that investing in protecting water quality, maintaining and improving trails, preserving natural areas and open space is important. They connect these investments to protecting their quality of life. The initial solid support levels become more intense and stronger as voters hear more – even after a simulation of the give and take which could occur on this issue. With strong ballot language that closely approximates that tested and an effort that clearly communicates the benefits of the measure, this effort should be well positioned for success.

Specifically, the survey found that:

- **There is solid support for a bond measure at either the \$10 million or the \$15 million level.** Three-in-five voters indicate that they would vote Yes if the election were being held today for a bonding measure that funds trails, natural areas, wildlife habitat. Respondents were presented with the following draft language of the proposal as it would appear on a

¹ **Methodology:** Public Opinion Strategies conducted a survey of N=300 registered voters throughout the City of Bozeman who have voted in past elections and are likely to vote in November. The survey was conducted January 24-25, 2012 and has an overall margin of error of +5.66%. Sampling error for subgroups within the sample will be larger. Interviews were distributed proportionally throughout the city.

future ballot, with half hearing the \$10 million amount and the other half hearing \$15 million:

*Shall the City issue **10 million dollars/15 million dollars** in general obligation bonds to protect water quality, protect natural areas, create and improve trails, parks, and recreation areas? The city shall create a citizen advisory committee charged with making recommendations on the expenditure of bond funds to the City Council."*

Given this language, fully 62% indicate they will vote yes in support of the \$10 million measure and 69% yes in support of the \$15 million measure. More than one-quarter in either case indicate they will "definitely" vote Yes. One-quarter or fewer (25% and 19% respectively) say they would oppose the measure.

In our experience in ballot measure campaigns around the country, response to the actual proposed language is one of the most important indicators of how well a measure will perform in an actual election. These supportive responses could change dramatically if voters are presented with different ballot language. It is also typical for ballot measure support to decline over the course of a campaign, which is why a threshold of 60% is often used to measure "viability." Clearly this proposed measure as drafted in the poll surpasses that mark.

- **Support is broad-based and wide-spread.** Given the lack of significant distinction between the two amounts tested, we can combine the samples and examine sub-groups as a whole. There is significant support among many key sub-groups, including...
 - Men (65% Yes) and women (60%);
 - Younger voters under age 45 (70%), age 45-54 (58%), age 55-64 (64%) and seniors (56%);
 - Parents (61%) and those without children at home (68%); and
 - Democrats (82%) and Independents (67%), with Republicans divided (40% yes, 38% No and 23% undecided).
- **When asked why they would vote Yes in support of the measure, many respondents connect their good quality of life and the City's prosperity with natural areas, outdoor recreation, and other elements of these funding proposals:**

"To protect quality of life in Bozeman. I think these issues are important anywhere, but especially in Bozeman. That's it. I just think it makes sense. For the reasons I gave before. People live here, and choose to live here, because of a clean environment, accessibility to recreation and community." -- Independent man, age 45-54

"Create jobs for residents of Bozeman, improve the city. And we are a tourist based community, and it will generate revenue. Mainly job creation." – Democratic man, age 35-44

"I think it is well worth the money in something that makes Bozeman the place to live that it is. Trail improvement, water quality, water improvement, all things that make this a good place to live, so it's a quality of life issue more than anything else, and I feel fine investing in a quality of life." – Independent man, age 34-44

"I like everything about it protecting the water and the open space. Because you know, preserve while were here, preserve our quality of life." – Independent woman, age 35-44

"I feel very strong about public access to trails and recreation and water quality. I think it is very important and is over looked too much." – Democratic woman age 25-34

- **Conversely, those who oppose the measure tend to say there are other priorities that need to be addressed first.** A small number also express concern about raising taxes more broadly, and the price tag of each bond does seem to stand out to some.

"Because I think there's too much money going into the parks and trails and water quality. I think they've got it all taken care of. Because I just think there's other directions that the moneys need to be going in. Well, you know, I think I pretty much just stated it. There's just way too much concentration on things. There's bigger things that the city should be concentrating on, other than trails, parks and all that good stuff." – GOP man, 45-54

"I guess it is just not something that I would not be passionate about, and don't think it is something that Bozeman needs." – Independent woman, age 35-44

"Because we don't have the city budget for it and I don't want any new taxes to pay for it". – GOP woman age 25-34

"Because the fifteen million dollars is a lot of money, and I don't know too much about this bond, and we should be saving in a time like this and not spending. Because like our debt keeps increasing instead of decreasing. Like the main one is open spaces and it seems they have enough of that already." – GOP man age 18-24

- **Voters respond very positively to a range of ways funds are used in their community.** The survey also demonstrates that voters find all of the ways funds are being used as important, as the following graph demonstrates:

Summary of Potential Funding Items - Ranked By % Extremely/Very Important

Potential Funding Items	% Extr/Very Important	% Total Important
Protecting lands that preserve water quality in rivers, lakes and streams	74%	90%
Protecting our quality of life	70%	89%
Providing, maintaining and improving biking, walking and hiking trails	63%	83%
Preserving natural areas	62%	90%
Protecting lands along Bozeman Creek	61%	87%
Preserving open space	57%	79%
Improving water conservation and energy efficiency and lighting at parks and ball fields	54%	84%
Providing, maintaining and improving neighborhood parks	52%	89%
Connecting trails to enable people to hike, bike or walk without having to cross busy streets and intersections	52%	82%
Providing access to natural areas for disabled residents, including such things as a handicap accessible fishing pier and playgrounds	51%	86%
Connecting trails to enable people to hike, bike or walk to places such as the M or to Leverich Canyon	47%	80%
Ensuring residents in every neighborhood in the city have nearby and safe parks	45%	83%
Cleaning up the Story Mill site northeast of town, in order to provide affordable housing and create trail connections there	43%	80%
Preserving Bozeman Beach at the East Gallatin Recreation Area as a city park	39%	80%
Providing safety improvements at trails and parks	34%	74%
Creating or expanding off-leash dog parks, like the Snowfill Recreation Area	31%	65%
Enhancing and maintaining historic sites, such as the Story Mill	30%	63%
Providing, maintaining and improving sports fields	29%	75%
Creating new soccer fields at the regional park	19%	56%
Reducing crowding at parks, ball fields, and on trails	18%	67%

Notably, 89% say they are familiar (49% very familiar) with the Story Mill site, so a lack of familiarity does not appear to be an issue.

- **City residents have confidence in the City to manage these funds well.** Nearly three-quarters (74%) say that they are very confident (19%) or somewhat confident (55%) the city would handle these funds well. Not surprisingly, these voters are very supportive of the bond measures (82% who are confident the city would manage the funds well say they would vote Yes in support of the bond measure).
- **Still, they view a number of accountability provisions that be incorporated into the ballot language as items which would make them more likely to support the measure.** As one can see, ensuring that funds are directed as stated in the ballot measure is of the utmost importance but other provisions may be reassuring as well.

Summary of Accountability Provisions - Ranked By % Much More Likely

Accountability Measures	% Much More Likely	% Total More Likely
Require that funds are used solely for parks, trails, and natural areas, and cannot be used for any other purpose	40%	69%
Conduct an annual independent audit and make it available to the public	29%	56%
Base funding priorities on the recommendations of a local citizens committee	18%	53%
Automatically expire or sunset the tax in TEN years	17%	45%
Base funding priorities on the Parks, Open space, trails Master Plan created by the public in 2007	16%	48%
Allow up to five percent of the funds to be used for administration and program operations	9%	33%

- **In summary,** Bozeman residents are supportive of a measure which would bond to fund trails, natural areas, water quality and areas for outdoor recreation. Residents make the connection between these elements and their good quality of life and want to see that maintained.

RESOLUTION NUMBER 6690

A RESOLUTION OF THE MISSOULA CITY COUNCIL TO SUBMIT TO THE ELECTORATE THE QUESTION OF A BOND ISSUE TO INCLUDE AN INCREASE IN PROPERTY TAXES OF APPROXIMATELY 7.5 MILLS FOR NO MORE THAN 20 YEARS TO GENERATE 8.1 MILLION DOLLARS TO BE USED FOR THE REPLACEMENT OF EXISTING AQUATIC FACILITIES TO INCLUDE AN INDOOR FAMILY AQUATIC CENTER AT MCCORMICK PARK AND AN OUTDOOR AQUATIC CENTER, INCLUDING A 50 METER POOL, AT PLAYFAIR PARK AND SPRAY DECKS AT BONNER, FRANKLIN, MARILYN AND WESTSIDE PARKS.

WHEREAS, in 2002 the City of Missoula commissioned the firm of USAquatics and Ankeny Kell Architects to complete a comprehensive aquatics feasibility study including analysis of current facilities, community wide interests and uses, and national, regional and local trends; and

WHEREAS, the Aquatics Feasibility Study completed in November 2002 recommended closure, renovation or replacement of all 8 aquatic facilities, including wading or spray pools at Bonner, Franklin, Westside, Northside, Sacajawea, and Southside Lions Parks, and swimming pools at McCormick and Playfair Parks; and

WHEREAS, the Aquatics Feasibility Study in addition to other conclusions determined as follows:

1. The City of Missoula lacks aquatic facilities, especially in comparison with national statistics and trends.
2. The current facilities do not meet community needs.
3. Both swimming and wading pools are in immediate need of repair or replacement.
4. The City of Missoula should address the current inadequacies of its aquatic facilities and adopt an aquatic facilities plan that addresses both the short-term and long-term needs of the community.

WHEREAS, on June 6, 2003, the Mayor of the City of Missoula appointed 15 Missoula city residents to the Missoula Aquatic Task Force (ATF) and directed ATF to investigate, consider and make a recommendation of the best options to the Mayor and Missoula City Council for the future of aquatic facilities in Missoula considering, costs of construction, costs of operation, number of people served, level of service, public and private support, funding resources and overall community support; and

WHEREAS, citizen input including surveys, personal investigations by ATF members, information provided by local and national aquatics experts and public meetings indicate support for new aquatic facilities including 0-depth entry water, spray and splash areas, multi-use and multi-temperature pools, instructional and competitive areas, and aquatic facilities to serve all citizens, young and old, skilled, novice, and of limited mobility, summer and year round use; and

WHEREAS, aquatics play and quality aquatic facilities greatly enhance individual wellness, has positive impacts on community, reduces drowning, provides opportunity for social interaction and family play and is a source of community pride; and

WHEREAS, lands for McCormick Park were donated in 1937 and 1938 and the parcel donated to the City by the McCormick family included the following statement within the deed "to establish and maintain a recreational park, and especially a swimming pool upon the said premises herein conveyed"; and

WHEREAS the McCormick Master Site Plan, based on community support and input, sets aside a space for aquatic facilities; and

WHEREAS further scientific testing of McCormick Swimming Pool provided evidence of delamination of the pool and an estimated remaining life time of 2 to 3 years for the concrete shell; and

WHEREAS, the Aquatics Task Force recommends to the Missoula City Council the following plan for the future of aquatic features in Missoula

1. Replace Spartan Pool in Playfair Park with an outdoor family aquatic center to include pools and splash areas to serve fitness and competitive swimmers, preschoolers, therapeutic interests, family oriented recreation, slides, spray items, play areas, 0-depth entry, deck space, changing rooms, and concessions
2. Replace the wading pools at Bonner, Franklin and Westside with modern, efficient, environmentally friendly, and safer spray decks;
3. Replace Grant C. Higgins Swimming Pool in McCormick Park with an indoor family aquatic facility to include pools and splash areas to serve fitness and instructional swimmers, preschoolers, therapeutic interests, family oriented recreation, slides, spray items, play areas, 0-depth entry, deck space, changing rooms, and concessions, and thereby increasing the opportunities for citizens from 12 weeks to 12 months
4. Include a 50 meter pool with slide and play features, preferably at McCormick Park but acceptable at Playfair Park and dependent on total construction costs and final estimates on operating costs, when the competitive community has raised 50% of the costs of building a competitive pool
5. Allow the remaining wading pools and spray decks to live out their natural life or replace these features in the future with alternative funding.;
6. If funding, dependant on private donations and actual construction costs allows, and if neighborhoods support, add a spray deck in one or more of the following areas; Linda Vista, South Hills, Emma Dickinson/RiverRoad, Fort Missoula, Southside Lions; and

WHEREAS, the research and trends demonstrate that replacing traditional swimming pools with multi-use features and opportunities as described will actually increase the number of citizens served at least three-fold, increase opportunity for individual, family and community wellness by 9 months; and

WHEREAS, the City currently subsidizes McCormick and Spartan Swimming pools by at least \$125,000 per year in general fund dollars and based on current estimates the new facilities will cost the general fund no additional increased financial subsidy from the city general fund; and

WHEREAS the Aquatics Task Force and the City Council prefer to serve all areas of the greater City with the opportunities that exists through a variety of aquatic facilities; and

WHEREAS, the Missoula City Council supports quality recreation opportunities, understands the wellness and social benefits of swimming and water play, and views aquatic facilities as integral to the quality of life of Missoula citizens; and

WHEREAS, the Missoula City Council shall rely upon the user groups, aquatic facility advocates and redevelopment to provide up to \$3 million in additional funding and matching dollars for the 50 meter competitive pool, the indoor aquatic center, and additional spray decks;

WHEREAS the Missoula City Parks and Recreation Board voted unanimously on July 15 to support an indoor family aquatic center at McCormick Park, an outdoor family aquatic center, including a 50 meter pool, and spray decks at Bonner, Franklin, Westside and Marilyn Parks; and

NOW THEREFORE BE IT RESOLVED that the Missoula City Council shall place on the City of Missoula general municipal election to be held Tuesday, November 4, 2003 ballot the question of a bond issue to include an increase in property taxes of approximately 7.5 mills for no more than

20 years, to generate \$8.1 million dollars to replace existing aquatic facilities including an indoor family aquatic center at McCormick Park and an outdoor family aquatic center, including a 50 meter pool, at Playfair Park and spray decks at Bonner, Franklin, Westside and Marilyn Parks.

NOW THEREFORE BE IT FURTHER RESOLVED, that the attached ballot language shall be used for the November, 4, 2003, election; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Clerk shall forward a copy of the resolution, including the ballot language to the Missoula County election officials.

PASSED AND ADOPTED this 11th day of August, 2003.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
Martha L. Rehbein
City Clerk

/s/ Mike Kadas
Mike Kadas
Mayor

(SEAL)

**Missoula City Referendum
No. 2003 - _____**

Shall the City of Missoula be permanently authorized to increase property taxes by approximately 7.5 mills for no more than 20 years, to generate \$8.1 million dollars to replace existing aged aquatic facilities with new facilities to include an indoor family aquatic center at McCormick Park and an outdoor family aquatic center, including a 50 meter pool, at Playfair Park and spray decks at Bonner, Franklin, Westside and Marilyn Parks.

_____ For authorizing a property tax increase to generate \$8.1 million dollars to replace aged aquatic facilities with new aquatic facilities.

_____ Against authorizing a property tax increase to generate \$8.1 million dollars to replace aged aquatic facilities with new aquatic facilities.

DATED this _____ day of August, 2003

(Signatures)

COMMISSION RESOLUTION NO. 3429

A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF BOZEMAN, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF FOUR MILLION AND NO/100 DOLLARS (\$4,000,000) FOR THE PURPOSE OF ACQUIRING LAND FOR AND DESIGNING, CONSTRUCTING AND EQUIPPING EITHER A NEW PUBLIC LIBRARY OR DESIGNING, CONSTRUCTING AND EQUIPPING AN EXPANSION OF THE EXISTING LIBRARY, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS

RECITALS

WHEREAS, the Bozeman Public Library (the "Library") was constructed in 1981; and

WHEREAS, the current Library contains 21,000 square feet; and

WHEREAS, a recent study completed by consulting librarian David Smith indicates that the Library needs 49,000 square feet to meet the needs of the community; and

WHEREAS, the Library has outgrown its current location and must relocate or expand in order to meet these needs; and

WHEREAS, a city or town is authorized pursuant to Section 7-7-4221, M.C.A., to issue general obligation bonds pledging the general credit of the City for that purpose upon approval of the electorate of the city or town, provided that such indebtedness will not cause the total indebtedness of the city to exceed 28% of the taxable valuation of the city ascertained by the last assessment for state and county taxes, plus (A) an additional 33% of the taxable value of class eight property within the city for tax year 1995, multiplied by 28%, plus (B) an additional 50% of the taxable value of telecommunications property under Section 15-6-141, M.C.A., within the city for tax year 1999, multiplied by 28%, plus (C) an additional 50% of the taxable value attributable to electrical generation property under Section 15-6-141, M.C.A., within the city for tax year 1999, multiplied by 28%; and

WHEREAS, a city commission is authorized pursuant to Section 7-7-4223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, pursuant to Section 13-19-104, M.C.A., such election can be conducted by a mail ballot election; and

WHEREAS, the City Commission (the "Commission") of the City of Bozeman, Montana (the "City") has determined that a mail ballot election conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, M.C.A. (the "Mail Ballot Act"), is in the best interests of the City and the electors thereof, and will notify the County Election Administrator of its intent to conduct a mail ballot election; and

WHEREAS, the Election Administrator will prepare a mail ballot election plan in accordance with the provisions of Section 13-19-205, M.C.A. (the "Mail Ballot Plan"); and

WHEREAS, the Commission has determined that the need does exist for a new public library; and

WHEREAS, the estimated costs of acquiring land for and designing, constructing and equipping either a new public library or designing, constructing and equipping an expansion of the existing library is estimated to be Ten Million and No/100 Dollars (\$10,000,000); and

WHEREAS, the City is willing to fund costs of a new or expanded library in the amount of Four Million and No/100 Dollars (\$4,000,000); and

WHEREAS, the Commission has determined that the issuance of general obligation bonds in an amount not to exceed \$4,000,000 will not cause the City to exceed its general statutory indebtedness limitation, which as currently calculated is \$7,206,209; and

WHEREAS, the Commission has determined there should be submitted to the electors of the City qualified to vote at bond elections the question of whether or not the Commission shall be authorized to issue and sell general obligation bonds of the City in order to obtain funds for the purpose of acquiring land for and designing, constructing and equipping either a new public library or designing, constructing and equipping an expansion of the existing library and paying costs associated with the sale and issuance of general obligation bonds in the maximum amount of \$4,000,000; and

WHEREAS, it is the judgment and determination of the Commission that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED By the Commission of the City as follows:

1. Calling of the Election. The Commission of the City hereby calls and directs a special election to be held in the City on June 28, 2001, for the purpose of voting on the question of whether or not the Commission shall be authorized to issue and sell General Obligation Bonds of the City, in the amount of up to Four Million and No/100 Dollars (\$4,000,000), for the purpose of acquiring land for and designing, constructing and equipping either a new public library or designing, constructing and equipping an expansion of the existing library and paying costs associated with the sale and issuance of the bonds. The bonds shall be payable over a period of not to exceed twenty (20) years and shall bear interest at a rate not to exceed the rate to be determined by the Commission at the time of the sale.

2. Conduct of Election. All qualified electors of the City shall be entitled to vote at the bond election. Pursuant to Section 13-19-202, M.C.A., the Clerk of the Commission is hereby authorized and directed to give notice of the call and details of this election to the

County Election Administrator upon passage of this resolution and in circumstance no later than 70 days prior to the proposed election date. The County Election Administrator shall conduct the election in accordance with the Mail Ballot Plan. The County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the City entitled to vote in the election in the City in the form and manner prescribed by law and consistent with the Election Plan. The County Election Administrator shall prepare the ballot and arrange for the printing of the ballot.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in the *Bozeman Daily Chronicle*, a newspaper of general circulation in the City. The notice of election as published shall read substantially as follows:

NOTICE OF BOND ELECTION
City of Bozeman, Montana
June 28, 2001

NOTICE IS HEREBY GIVEN by the City Commission (the "Commission") of the City of Bozeman, Montana (the "City"), that pursuant to a certain resolution duly adopted at a regular meeting of the Commission on March 26, 2001, an election of the registered voters of the City will be held on June 28, 2001, for the purpose of voting on the question whether or not the Commission shall be authorized to issue and sell general obligation bonds of the City in the amount of Four Million and No/100 Dollars (\$4,000,000), for the purpose of acquiring land for and designing, constructing and equipping either a new public library or designing, constructing and equipping an expansion of the existing library and paying costs associated with the sale and issuance of the bonds. The bonds shall bear interest at a rate not to exceed the rate to be determined by the Commission at the time of the sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term.

The election will be conducted solely by mail ballot. Ballots will be mailed to all eligible registered voters in the City on June 7, 2001, and must be returned by each voter, by mail or in person to the County Election Administrator's Office, Gallatin County, 311 West Main Street, Bozeman, Montana 59715 during regular business hours (8:00 a.m. to 5:00 p.m.), weekdays, June 8, 2001 through June 27, 2001.

On Election Day, June 28, 2001, the only place for deposit of voted ballots will be 311 West Main Street, Bozeman, Montana, which will be open from 7:00 a.m. to 8:00 p.m., and all ballots must be in that office by 8:00 p.m. in order to be counted. All ballots will be tallied in the County Election Administrator's Office after 8:00 p.m. on June 28, 2001.

A qualified voter who will be absent from the City during the time the election is being conducted may:

- (a) vote in person in the County Election Administrator's Office as soon as the ballots are available and until noon on June 6, 2001; or
- (b) make a written request prior to noon on June 6, 2001, signed by the applicant and addressed to the County Election Administrator's Office, requesting that the ballot be mailed to an address other than that which appears on the registration records. All ballots to be mailed will be mailed no later than June 7, 2001.

An elector may obtain a replacement ballot if his ballot is destroyed, spoiled, lost, or not received by the elector by personally appearing at the County Election Administrator's Office and by:

(a) signing an affidavit form stating the reason for the request for replacement; and

(b) if the reason given for replacement is "spoiled ballot," by returning the spoiled ballot to the County Election Administrator's Office.

DATED this day of , 2001.

Publish: June 3, 2001
 June 10, 2001
 June 17, 2001

4. Ballots. The County Election Administrator is hereby requested to prepare suitable ballots for use at the election.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
CITY OF BOZEMAN, MONTANA
GENERAL OBLIGATION BOND ELECTION
TO BE CONDUCTED
BY MAIL BALLOT
ON
JUNE 28, 2001

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS--NO".

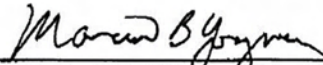
Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of Four Million and No/100 Dollars (\$4,000,000), bearing interest at a rate to be determined by the Commission after a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term, for the purpose of acquiring land for and designing, constructing and equipping either a new public library or designing, constructing and equipping an expansion of the existing library, and paying costs associated with the sale and issuance of the bonds?

☐ BONDS -- YES

☐ BONDS -- NO

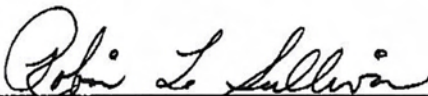
6. That a copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

Passed and approved this 26th day of March, 2001.



MARCIA B. YOUNGMAN, Mayor

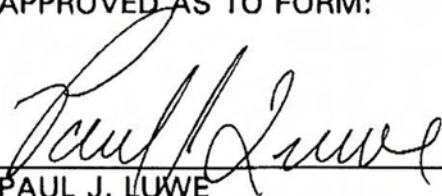
ATTEST:



ROBIN L. SULLIVAN
Clerk of the Commission

1
City Attorney
4
Sullivan

APPROVED AS TO FORM:



PAUL J. LUWE
City Attorney

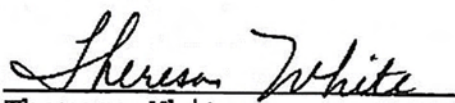
CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of City of Kalispell, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE CITY COUNCIL SUBMITTING TO THE QUALIFIED AND REGISTERED ELECTORS OF THE CITY OF KALISPELL, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN AN AMOUNT OF THREE MILLION SIX HUNDRED AND SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$3,675,000.00) FOR THE PURPOSE OF DESIGNING, CONSTRUCTING AND EQUIPPING AN AQUATIC RECREATIONAL FACILITY AND SKATE PARK IN WOODLAND PARK, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS " (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council at a regular meeting on the 20th of August, 2001, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: Jim Atkinson, Don Counsell, Randy Kenyon, Duane Larson, Fred Leistiko, Ron Van Natta and Mayor William E. Boharski; voted against the same: None; abstained from voting thereon: None; or were absent: Dale Haarr and Doug Scarff.

WITNESS my hand and seal officially this 21st day of August, 2001.




Theresa White
City Clerk

RESOLUTION NO. 4647

A RESOLUTION OF THE CITY COUNCIL SUBMITTING TO THE QUALIFIED AND REGISTERED ELECTORS OF THE CITY OF KALISPELL, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN AN AMOUNT OF THREE MILLION SIX HUNDRED AND SEVENTY FIVE THOUSAND AND NO/100 DOLLARS (\$3,675,000) FOR THE PURPOSE OF DESIGNING, CONSTRUCTING AND EQUIPPING AN AQUATIC RECREATIONAL FACILITY AND SKATE PARK IN WOODLAND PARK, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS RECITALS.

WHEREAS, Bruckhauser Pool, which has served the residents of the City of Kalispell, Montana (the "City") for over seventy years, was renovated in 1984, but has recently shown signs of age and is obsolete as a true aquatic center for residents of the City; and

WHEREAS, the City Council (the "Council") of the City, after examining the options of again renovating Bruckhauser Pool or building a new aquatic center, determined that the residents of the City would be best served by a new facility to be located within Woodland Park; and

WHEREAS, the City has engaged the firms of Architects Design Group, Interstate Engineering, Carver Engineering and Sitescape Associates (the "Firms") to provide a schematic design and construction estimates for said proposed aquatic center and skate park; and

WHEREAS, the Firms have completed the schematic design and construction estimates and presented the Council with a report detailing all items; and

WHEREAS, the public has had an opportunity to examine the plans and cost estimates and comment on the report; and

WHEREAS, the Council intends to proceed with the proposed aquatic center and skate park project and fund said project through the issuance of general obligation bonds; and

WHEREAS, a city or town is authorized pursuant to Section 7-7-4221, M.C.A., to issue general obligation bonds pledging the general credit of the City for that purpose upon approval of the electorate of the city or town, provided that such indebtedness will not cause the total indebtedness of the city to exceed 1.51% of the total assessed valuation of taxable property of the city, determined as provided in Section 15-8-111, M.C.A., ascertained by the last assessment for state and county taxes; and

WHEREAS, a city or town is authorized pursuant to Section 7-16-4104, M.C.A., to incur indebtedness upon the credit of the city or town for the purpose of procuring by

WHEREAS, the Council has determined that the issuance of general obligation bonds in the amount of \$3,675,000.00 will not cause the City to exceed its general statutory indebtedness limitation, which as currently calculated is \$9,401,423.00; and

WHEREAS, the Council has determined that the issuance of general obligation bonds in the amount of \$3,675,000.00 will not cause the City to exceed its indebtedness for the recreational facilities, which as currently calculated is \$5,603,497.00; and

WHEREAS, the Council has determined there should be submitted to the electors of the City qualified to vote at bond elections the question of whether or not the Council shall be authorized to issue and sell general obligation bonds of the City in order to obtain funds for the purpose of designing, constructing and equipping an aquatic recreational facility and skate park in Woodland Park, and paying costs associated with the sale and issuance of the bonds; and

WHEREAS, it is the judgment of the Council that the sum of Three Million Six Hundred Seventy-Five Thousand and No/100 Dollars (\$3,675,000.00) will be necessary to carry out the purposes set forth above; and

WHEREAS, it is the judgment and determination of the Council that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

Section 1. Calling of the Election. The Council of the City hereby calls and directs that there be submitted to the electors of the City at the general city election to be held on November 6, 2001, the following question:

Shall the Council be authorized to issue and sell general obligation bonds of the City in the amount of Three Million Six Hundred Seventy-Five Thousand and No/100 Dollars (\$3,675,000.00), bearing interest at a rate to be determined by the Council, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term for the purpose of designing, constructing and equipping an aquatic recreational facility and skate park in Woodland Park, and paying costs associated with the sale and issuance of the bonds?

Section 2. Conduct of Election. All qualified electors of

circulation in Flathead County. The notice of election as published shall read substantially as shown on Exhibit "A".

Section 4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

Section 5. Form of Ballot. The ballot shall be printed in substantially the form as shown on Exhibit "B".

Section 6. Notice to County Election Administrator. That a copy of this resolution will be provided to the Flathead County Election Administrator as soon as possible after its adoption and approval in order to inform her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

Section 7. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the project have been paid by the City before the date 60 days before the date of adoption of this resolution.

(c) The City reasonably expects to reimburse the expenditures made for costs of the project out of the proceeds of bonds in an estimated maximum aggregate principal amount of

intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR
THIS 20TH DAY OF AUGUST, 2001.

Wm. E. Boharski.

Wm. E. Boharski
Mayor

ATTEST:

Theresa White
Theresa White
City Clerk

EXHIBIT "A"

NOTICE OF GENERAL OBLIGATION BOND ELECTION

City of Kalispell, Montana

November 6, 2001

NOTICE IS HEREBY GIVEN by the City Council (the "Council") of the City of Kalispell, Montana (the "City"), that pursuant to a certain resolution duly adopted at a regular meeting of the Council on the 20th day of August, 2001, the following question will be presented to the registered voters of the City at the November 6, 2001 election:

Shall the Council be authorized to issue and sell general obligation bonds of the City in the amount of Three Million Six Hundred Seventy-Five Thousand and No/100 Dollars (\$3,675,000.00), bearing interest at a rate to be determined by the Council, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term for the purpose of designing, constructing and equipping an aquatic recreational facility and skate park in Woodland Park, and paying costs associated with the sale and issuance of the bonds?

The polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., and the polling places for the election shall be the normal polling places for City residents during a general election. Absentee ballots may be obtained at the office of the Flathead County Election Administrator at the Flathead County Courthouse, 800 South Main Street, Kalispell, Montana until 12:00 Noon, November 5, 2001.

DATED this _____ day of _____, 2001.

City Clerk

Publish: _____, 2001
 _____, 2001
 _____, 2001

EXHIBIT "B"

OFFICIAL BALLOT

CITY OF KALISPELL BOND ELECTION

INSTRUCTIONS TO VOTER: Make an X or similar mark in the vacant square before the words "BONDS - YES" if you wish to vote for the bond issue. If you are opposed to the bond issue make an X or other similar mark in the square before the word "BONDS - NO".

Shall the City Council of the City of Kalispell be authorized to issue and sell General Obligation Bonds, pledging the general credit of the City of Kalispell, in an amount not to exceed _____, payable over a period of not to exceed twenty (20) years, for the purpose of constructing an aquatic recreational facility and skate park in Woodland Park, City of Kalispell?

☐

BONDS -YES-

for authorizing the issuance of General Obligation Bonds for the construction of an aquatic recreational facility and skate park in Woodland Park, City of Kalispell.

☐

BONDS - NO-

against authorizing the issuance of General Obligation Bonds for the construction of an aquatic recreational facility and skate park in Woodland Park, City of Kalispell.

9
48

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of Missoula County, Montana (the "County"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN, IN THE AMOUNT OF TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00)" (the "Resolution"), on file in the original records of the County in my legal custody; that the Resolution was duly adopted by the Board of County Commissioners of the County at a meeting on June 29, 2006, and that the meeting was duly held by the Board of County Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Bill Carey, Jean Cortis and Barbara Evans; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 29th day of JUNE, 2006.

Vickie M Zeier
County Clerk and Recorder

 200616505
Page: 1 of 3
07/06/2006 03:28P
Missoula County Vickie M Zeier RES Bk-778 Pg-543

RESOLUTION NO. 2006- 093

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF MISSOULA COUNTY, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN MISSOULA COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN, IN THE AMOUNT OF TEN MILLION AND NO/100 DOLLARS (\$10,000,000.00).

RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring open space land consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A. (the "Act"); and

WHEREAS, Section 76-6-104, M.C.A., defines open space land as any land which is provided or preserved for: park and recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development; and

WHEREAS, a county is authorized pursuant to Section 7-7-2203, M.C.A., to issue general obligation bonds pledging the general credit of the county for that purpose upon approval of the electorate of the county, provided that such indebtedness and all other indebtedness of the county does not exceed \$77,966,281; and

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7-2222, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, the Missoula County Open Lands Working Group (the "Open Lands Working Group") was created in June of 2005 to serve as a citizens advisory board to Missoula County regarding the preservation of open space and related issues in Missoula County; and

WHEREAS, the Open Lands Working Group has meet regularly since that time to consider options available for the preservation of open space and to make recommendations relating thereto to the County; and

WHEREAS, the Open Lands Working Group unanimously recommended that the Board submit to the electors of the County the question of whether the County should be authorized to issue general obligation bonds in an amount of up to \$20,000,000, for the purpose of preserving open space in Missoula County (the "Open Space Bonds"); and

WHEREAS, an opinion poll was conducted throughout the County, the results of which indicate widespread support for the issuance by the County of general obligation bonds for the preservation of open space and open land; and

WHEREAS, an open space task force consisting of representatives of the City of Missoula (the "City") and the County have recommended an Open Space-Open Lands Vision Statement, which has been approved by the Board of County Commissioners (the "Board"); and



WHEREAS, it is proposed that the City and the County will enter into an Interlocal Agreement which would set forth the limitations and procedures for the expenditure of the proceeds of the Open Space Bonds, as more fully described in Section 8 hereof; and

WHEREAS, based on findings and recommendations of the Open Lands Working Group and after having conducted a public hearing thereon, it is the judgment of the Board that the sum of Ten Million and No/100 Dollars (\$10,000,000.00) is necessary to carry out the purposes set forth above; and

WHEREAS, the Board has determined that the issuance of general obligation bonds in the amount of \$10,000,000 will not cause the County to exceed its indebtedness limitation, which as currently calculated is \$77,966,281 ; and

WHEREAS, the Board has determined there should be submitted to the qualified electors of the County on November 7, 2006, the question of whether or not the Board shall be authorized to issue and sell general obligation bonds of the County for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term; and

WHEREAS, it is the judgment and determination of the Board that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED by the Board of the County as follows:

1. Calling of the Election. The Board of the County hereby calls and directs a special County election to be held on November 7, 2006, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a

rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

2. Conduct of Election. All qualified electors of the County shall be entitled to vote at the bond election. The Missoula County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law. The Election Administrator shall prepare the ballot and arrange for the printing of the ballot.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in the *Missoulian*, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

 200616505
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07/08/2006 09:28P
Missoula County Vickie R Zalar RES BK-776 Pg-508

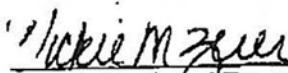
NOTICE OF OPEN SPACE GENERAL OBLIGATION BOND ELECTION
Missoula County, Montana
November 7, 2006

NOTICE IS HEREBY GIVEN by the Board of County Commissioners (the "Board") of Missoula County, Montana (the "County"), that pursuant to a certain resolution duly adopted at a regular meeting of the Board on June 28, 2006, a special election of the registered voters of the County will be held on November 7, 2006, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

The polling places for the election shall be the normal polling places for County residents during the general election and polls shall be open between the hours of 7:00 a.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Missoula County Election Administrator at 200 West Broadway, Missoula, Montana from August 24, 2006 until 12:00 noon, November 6, 2007.



County Clerk and Recorder

Publish: October 17, 2006
 October 24, 2006
 October 31, 2006



4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
MISSOULA COUNTY, MONTANA
OPEN SPACE BOND ELECTION
NOVEMBER 7, 2006

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS--NO".

Shall the Board be authorized to issue and sell general obligation bonds of the County, for the purpose of preserving open space in Missoula County by purchasing land, easements, and other interests in land from willing landowners for the following purposes: protecting the water quality of rivers, lakes and streams; protecting wildlife habitat; conserving working ranches, farms and forests; providing access along rivers, lakes and streams; managing for growth; providing open space and scenic landscapes; providing recreational and commuter trails; paying non-personnel related transaction costs associated with an approved project; paying costs of initial clean-up and weed control associated with an approved project; and paying costs associated with the sale and issuance of the bonds in the amount not to exceed Ten Million and No/100 Dollars (\$10,000,000.00), of which \$5,000,000 will be allocated to the City of Missoula and of which \$5,000,000 will be allocated to the County, which bonds shall bear interest at a rate to be determined by the Board at a competitive sale, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

☐ OPEN SPACE BONDS — YES

☐ OPEN SPACE BONDS — NO

 200616505
Page: 6 of 8
07/06/2006 03:28P
Missoula County Vickie R Zaler REB BK-778 Pg-505

6. That a copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

7. Open Space Bond Account; Use of Bond Proceeds. If authorized to issue and sell bonds for the purposes set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Bond Acquisition Account, which shall be maintained and disbursed by the County and used for the authorized purposes, consistent with the requirements in Section 8 hereof, as may be further augmented by an Interlocal Agreement to be entered into between the City and County, and such additional resolutions or ordinances of the Board as it deems necessary.

8. Allocation of Proceeds; Interlocal Agreement. One half of the proceeds of the Bonds shall be allocated to the City for open space purposes in the Missoula Planning Region, as shown on Exhibit A as determined and approved by the governing body of the City. One half of the proceeds of the Bonds shall be allocated to the County for open space purposes in the area outside the Missoula Planning Region, including the Frenchtown/Huson, Lolo, Nine Mile, Evaro, Swan Lake, Seeley Lake, Potomac/Greenough, and Clinton/Turah Planning Areas, as determined and approved by the Governing Body of the County. The City has created an Open Space Advisory Council and the County will create an Open Lands Advisory Council, both of which will, among other things, recommend "open space projects" in their respective jurisdictional areas to the respective governing bodies. The governing bodies shall conduct a public hearing on the proposed projects prior to approval. Once an open space project is approved by the City Council, the project must be concurred in by the Board of County Commissioners before any expenditure of Bond proceeds can be made. Once approved, the County will fund the project from the Open Space Bond Acquisition Account.

9. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the County for project expenditures paid by the County prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the County adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the

20061003
Page: 7 of 9
07/06/2006 09:20P
Missoula County Vickie N Zeller RES 5K-778 Pg-565

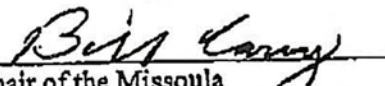
Regulations), no expenditures for the project have been paid by the County before the date 60 days before the date of adoption of this resolution.

(c) The County reasonably expects to reimburse the expenditures made for costs of the project out of the proceeds of bonds in an estimated maximum aggregate principal amount of \$10,000,000 after the date of payment of all or a portion of the costs of the project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no County funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the County's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The County's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the County to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the County maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED AND ADOPTED by the Board of County Commissioners of Missoula County, Montana, this 29th day of JUNE, 2006.


Chair of the Missoula
Board of County Commissioners

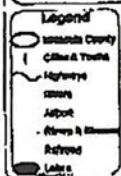
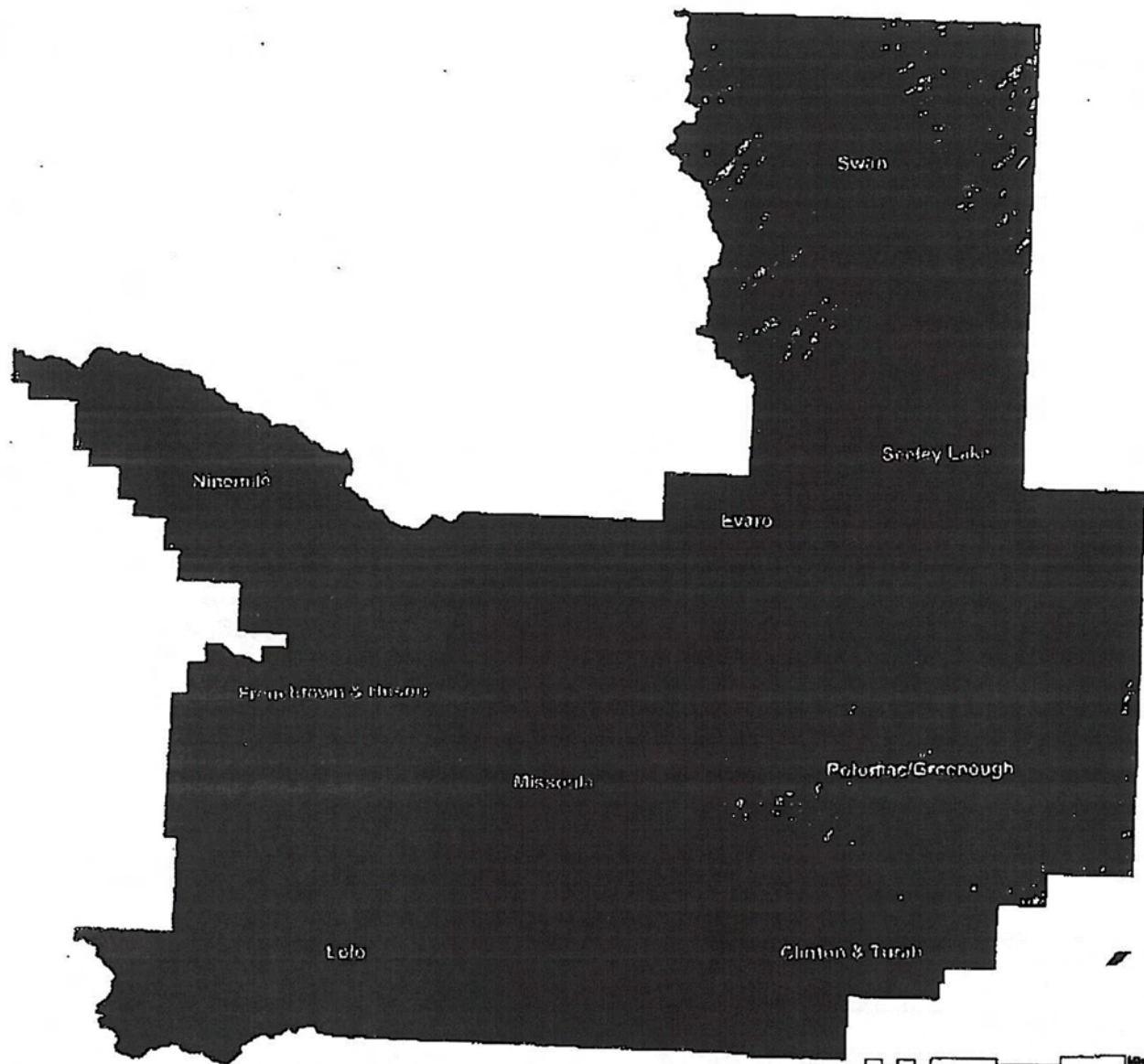
Attest:

Approved as to Form and Content:


County Clerk and 


Chief Civil Deputy County Attorney

Missoula County Planning Regions



Description

This map depicts the Planning Regions within Missoula County as of August 22, 2005. The Planning Regions are fundamentally based on NRCS watersheds. However, as Regional Plans are developed the boundaries may be re-adjusted to fit the nearest Census designated geographic boundary.

Sources: OPCS, NRCS, KRCB, USGS

Map Prepared by: David Gray, Associate Planner, OPO

Date: 04/22/05

Filename: Planning_Regions.mxd



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Page: 9 of 9

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Bk-776 Pg-588

Missoula County Vickie R Zeier RES

TRANSMISSION VERIFICATION REPORT

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TEL :
SER.# : BROG5J306759

DATE, TIME
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MISSOULA
COUNTY



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200 WEST BROADWAY
MISSOULA MT 59802-4292

(406) 258-4752

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FAX#: 1-406-258-3913

of pages (including this cover):

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CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of City of Helena, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF HELENA, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF FIVE MILLION DOLLARS (\$5,000,000) FOR THE PURPOSE OF CREATING A COMPREHENSIVE PARKS, RECREATION AND OPEN SPACE PLAN; ACQUIRING AND CONSTRUCTING RECREATIONAL FIELDS AND FACILITIES; WALKING, RUNNING AND BIKING TRAILS; OPEN SPACE LANDS OR INTEREST THEREIN (IN OR NEAR THE CITY) SUCH AS THOSE ADJACENT TO MOUNT HELENA AND MOUNT ASCENSION; PARK AND RECREATIONAL AREAS; PAYING COSTS OF MAINTAINING FIELDS AND LANDS SO ACQUIRED, TO THE EXTENT PERMITTED BY LAW AND AS APPROVED BY THE COMMISSION, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission at a regular meeting on July 22, 1996, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: Richards, Stults,
White, Mayor Pro Tem McGree; voted against the same: _____
 _____; abstained from voting thereon: _____
 _____; or were absent: Mayor McCarthy
 _____.

WITNESS my hand and seal officially this 22nd day of July, 1996.

(SEAL)

Barbara Shannon
 City Clerk

RESOLUTION NO. 11034

A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF HELENA, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF FIVE MILLION DOLLARS (\$5,000,000) FOR THE PURPOSE OF CREATING A COMPREHENSIVE PARKS, RECREATION AND OPEN SPACE PLAN; ACQUIRING AND CONSTRUCTING RECREATIONAL FIELDS AND FACILITIES; WALKING, RUNNING AND BIKING TRAILS; OPEN SPACE LANDS OR INTEREST THEREIN (IN OR NEAR THE CITY) SUCH AS THOSE ADJACENT TO MOUNT HELENA AND MOUNT ASCENSION; PARK AND RECREATIONAL AREAS; PAYING COSTS OF MAINTAINING FIELDS AND LANDS SO ACQUIRED, TO THE EXTENT PERMITTED BY LAW AND AS APPROVED BY THE COMMISSION, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS

RECITALS

WHEREAS, a city as a public body is authorized pursuant to Section 76-6-109, M.C.A., to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws for the purpose of acquiring open space land consistent with the provisions of Title 76, Chapter 6, Part 1; and

WHEREAS, Section 76-6-104 defines open space land as any land which is provided or preserved for; and

WHEREAS, a city or town is authorized pursuant to Section 7-7-4221, M.C.A., to issue general obligation bonds pledging the general credit of the City for that purpose upon approval of the electorate of the city or town, provided that such indebtedness will not cause the total indebtedness of the city to exceed 28% of the taxable valuation of the city; and

WHEREAS, a city commission is authorized pursuant to Section 7-7-4223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, the area in and around the City of Helena, Montana (the "City") is experiencing steady growth and recreation and open space lands are in greater demand;

WHEREAS, recreational and open space areas are essential to the health and well-being of residents of the City;

WHEREAS, recreational and open space lands will attract visitors and enhance the economic vitality of the City;

WHEREAS, lands in the City offering sufficient space for recreation and natural areas are limited;

WHEREAS, preservation of key open space lands will address the needs of the current and future citizens of the City; and

WHEREAS, citizens of the City have asked the Commission to support the preservation of open space lands by seeking voter approval of general obligation bonds to be issued for that purpose.

WHEREAS, the City Commission (the "Commission") of the City has determined that the need does exist for recreational fields, walking, running and biking trails and open space lands; and

WHEREAS, it is the judgment of the Commission that the sum of Five Million Dollars (\$5,000,000) will be necessary to carry out the purposes set forth above; and

WHEREAS, the Commission has determined that the issuance of general obligation bonds in the amount of \$5,000,000 will not cause the City to exceed its indebtedness limitation, which as currently calculated is \$12,246,122, i.e., \$43,736,151 x 28%; and

WHEREAS, the Commission has determined there should be submitted to the electors of the City qualified to vote at bond elections the questions of whether or not the Commission shall be authorized to issue and sell general obligation bonds of the City in order to obtain funds for the purpose of creating a comprehensive parks, recreation and open space plan; acquiring and constructing recreational fields and facilities; walking, running and biking trails; open space lands or interest therein (in or near the City) such as those adjacent to Mount Helena and Mount Ascension; park and recreational areas; paying costs of maintaining fields and lands so acquired, to the extent permitted by law and as approved by the Commission, and paying costs associated with the sale and issuance of general obligation bonds; and

WHEREAS, it is the judgment and determination of the Commission that such bonds will be payable during a term not to exceed twenty (20) years and shall be redeemable on any interest payment date after one-half of the term for which they are issued; and

NOW, THEREFORE, BE IT RESOLVED By the Commission of the City as follows:

1. Calling of the Election. The Commission of the City hereby calls and directs a special city election to be held on November 5, 1996, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of Five Million Dollars (\$5,000,000), bearing interest at a rate to be determined by the Commission, payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term for the purpose of creating a comprehensive parks, recreation and open space plan; acquiring and constructing recreational fields and facilities; walking, running and biking trails; open space lands or interest therein (in or near the City) such as those adjacent to Mount Helena and Mount Ascension; park and recreational areas; paying costs of maintaining fields and lands so acquired, to the extent permitted by law and as approved by the Commission, and paying costs associated with the sale and issuance of general obligation bonds?

2. Conduct of Election. All qualified electors of the City shall be entitled to vote at the bond election. The Lewis & Clark County Election Administrator is hereby requested to close registration, give notice thereof and upon close of registration to prepare printed lists of the electors in the City entitled to vote in the election in the City and to conduct the election in the form and manner prescribed by law.

3. Notice of Election. The City Clerk is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in *Independent Record*, a newspaper of general circulation in the City. The notice of election as published shall read substantially as follows:

NOTICE OF OPEN SPACE BOND ELECTION
City of Helena, Montana
November 5, 1996

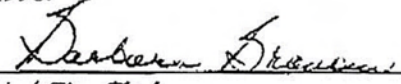
NOTICE IS HEREBY GIVEN by the City Commission (the "Commission") of the City of Helena, Montana (the "City"), that pursuant to a certain resolution duly adopted at a regular meeting of the Commission on July 22, 1996, a special city election of the registered voters of the City will be held on November 5, 1996, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of Five Million Dollars (\$5,000,000) for the purpose of creating a comprehensive parks, recreation and open space plan; acquiring and constructing recreational fields and facilities; walking, running and biking trails; open space lands or interest therein (in or near the City) such as those adjacent to Mount Helena and Mount Ascension; park and recreational areas; paying costs of maintaining fields and lands so acquired, to the extent permitted by law and as approved by the Commission; and paying costs associated with the sale and issuance of general obligation bonds, such bonds to bear interest at a rate to be determined by the Commission payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?

The polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., and the polling places for the election shall be the normal polling places for City residents during a general election.

Absentee ballots may be obtained at the office of the Lewis & Clark County Election Administrator at the City/County Administration Building, 316 North Park, P.O. Box 1721, Helena, Montana until 12:00 noon, November 4, 1996.

DATED this 22nd day of July, 1996.


/s/ City Clerk

Publish:

October 13, 1996

October 20, 1996

October 27, 1996

4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
CITY OF HELENA, MONTANA
OPEN SPACE BOND ELECTION
November 5, 1996

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS--NO".

Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of Five Million Dollars (\$5,000,000) for the purpose of creating a comprehensive parks, recreation and open space plan; acquiring and constructing recreational fields and facilities; walking, running and biking trails; open space lands or interest therein (in or near the City) such as those adjacent to Mount Helena and Mount Ascension; park and recreational areas; paying costs of maintaining fields and lands so acquired, to the extent permitted by law and as approved by the Commission; and paying costs associated with the sale and issuance of general obligation bonds, such bonds to bear interest at a rate to be determined by the Commission payable semiannually during a term of not to exceed twenty (20) years and redeemable on any interest payment date after one-half of their term?



OPEN SPACE BONDS -- YES



OPEN SPACE BONDS -- NO

6. That a copy of this resolution will be provided to the Lewis & Clark County Election Administrator as soon as possible after its adoption and approval in order to inform her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

7. Open Space Bond Account; Use of Bond Proceeds. If authorized to issue and sell bonds for the purposes set forth in this resolution, the City will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Acquisition Bond Account, and used for the authorized purposes, consistent with the requirements in Section 8 hereof, as may be further augmented by a subsequent resolution or ordinance of the Commission.

8. Procedure, Limitations and Expenditure of Open Space Acquisition Bond Account. With respect to the procedure to be followed with respect to the expenditure of funds on hand in the Open Space Acquisition Bond Account, the Commission hereby agrees and covenants as follows:

(a) The Commission will appoint a committee to recommend land acquisition and development guided by a City open space plan if, and/or when available.

(b) At least 15 percent of the bond proceeds would be spent for recreational fields, and at least 15 percent for hiking and biking trails and open space lands.

(c) The City will not pay more than fair market value for property acquired with bond proceeds.

(d) To the extent permitted by law, the Commission may set aside or use 15 percent of the bond proceeds to fund future maintenance of open space land and fields acquired.

9. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) after the later

of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the "small issuer" exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

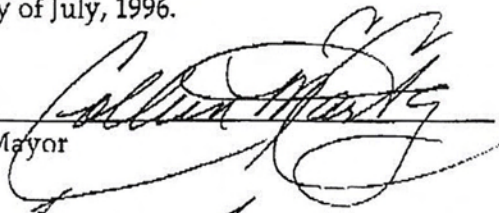
(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the project have been paid by the City before the date 60 days before the date of adoption of this resolution.


(c) The City reasonably expects to reimburse the expenditures made for costs of the project out of the proceeds of bonds in an estimated maximum aggregate principal amount of \$5,000,000 after the date of payment of all or a portion of the costs of the project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

Passed and approved this 22nd day of July, 1996.



Mayor


City Clerk

ATTEST:

(SEAL)

RESOLUTION NO. 2004-105

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS SUBMITTING TO THE QUALIFIED ELECTORS OF GALLATIN COUNTY, MONTANA THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF TEN MILLION DOLLARS FOR THE PURPOSE OF PRESERVING OPEN SPACE IN GALLATIN COUNTY SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN.

RECITALS

WHEREAS, a county as a public body is authorized pursuant to Section 76-6-109, M.C.A., to issue and sell general obligation bonds in the manner and within the limitations prescribed by applicable laws of Montana for the purpose of acquiring or preserving open space land consistent with the provisions of Title 76, Chapter 6, Part 1, M.C.A. (the "Act"); and

WHEREAS, Section 76-6-104, M.C.A. defines open space land as any land which is provided or preserved for: park or recreational purposes; conservation of land or other natural resources; historic or scenic purposes; or assisting in the shaping of the character, direction, and timing of community development; and

WHEREAS, a county is authorized pursuant to Section 7-7-2203, M.C.A., to issue general obligation bonds pledging the general credit of the county for that purpose upon approval of the electorate of the county, provided that such indebtedness and all other indebtedness of the county does not exceed: 1.4% of the total assessed value of taxable property, determined as provided in Section 15-8-111, M.C.A., within the County, as ascertained by the last assessment for state and county taxes; and

WHEREAS, a board of county commissioners is authorized pursuant to Section 7-7-2223(2)(a), M.C.A., to call a bond election by unanimously adopting a resolution to that effect; and

✕ WHEREAS, the Gallatin County Open Lands Board (the "Open Lands Board") was created on November of 1998 to serve as a citizens advisory board to Gallatin County (the "County") regarding the preservation of open space and related issues in the County; and

WHEREAS, the Open Lands Board has met regularly since that time to consider options available for the preservation of open space and to make recommendations relating thereto the County; and

WHEREAS, the voters of the County, at an election held on November 7, 2000, by a margin of approximately 57% to 43%, approved the issuance of \$10,000,000 of the County's Open Space General Obligation Bonds; and

WHEREAS, in October 2001, the County issued its \$3,800,000 Open Space General Obligation Bonds, Series 2001 and has spent the proceeds thereof for authorized Open Space purposes and financing costs; and

WHEREAS, the County issued its \$4,000,000 Open Space General Obligation Bonds, Series 2003 (the "Series 2003 Bonds") in April 2003 and has spent \$97,886 of the proceeds thereof for authorized Open Space purposes and financing costs and has commitments for the expenditure of an

additional \$2,440,000 of the Series 2003 Bond proceeds and expects the remaining \$1,462,114 amount of the Series 2003 Bond proceeds to be committed by the end of 2004; and

WHEREAS, the Board of County Commissioners anticipates issuing the remaining amount (\$2,200,000) of Open Space General Obligation Bonds, previously authorized by the County voters, in 2005; and

WHEREAS, the Board of County Commissioners has received information provided by the Open Lands Board and its coordinator, to indicate that by year-end 2005 there will be a need for County funding of an additional \$10,000,000 towards eligible Open Space projects and that the tax impact on the median County home valued at \$143,000 is estimated to be \$18 annually for the repayment of such additional Open Space Bonds; and

WHEREAS, the Open Lands Board has currently purchased or committed to purchasing land and conservation easements valued at approximately \$22,500,000, with the county contribution to these projects being approximately \$6,400,000 million and the remaining amount from landowner contributions and matching funds from other public and private sources; and

WHEREAS, the Open Lands Board commissioned a public opinion poll of the registered voters of the County to determine their support for additional Open Space bonds and the findings of that poll indicated overwhelming support for another bond measure; and

WHEREAS, the Open Lands Board has unanimously requested the Board of County Commissioners to support the preservation or acquisition of additional open space lands in the County by seeking voter approval of general obligation bonds in an additional amount of up to \$10,000,000, for the purposes defined in the Act, and paying costs associated with the sale of general obligation bonds and the purchase of property and conservation easements which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years, with all expenditures based on recommendations of the Open Lands Board, after public comment, and subject to an independent audit; and

WHEREAS, based on findings and recommendations of the Open Lands Board, it is the judgment of the Board of County Commissioners that the sum of \$10,000,000 is necessary to carry out the purposes set forth above; and

WHEREAS, the Board of County Commissioners has determined that the issuance of general obligation bonds in the amount of \$10,000,000 will not cause the county to exceed its indebtedness limitation, which as currently calculated is \$59,610,972 (total assessed value of taxable property in the County, as of June 30, 2003, of \$4,257,926,539 times the statutory factor of 1.40%) since the County has existing general obligation indebtedness of \$11,327,158 and the existing authority to issue the additional \$2,200,000 of Open Space General Obligation Bonds referenced above; and

WHEREAS, the Board of County Commissioners has determined there should be submitted to the electors of the County qualified to vote at bond elections the questions of whether or not the Board of County Commissioners shall be authorized to issue and sell additional general obligation bonds of the County in an amount not to exceed \$10,000,000, for the purpose of acquiring or preserving "Open Space" in the County as defined in the Act and the proposed bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed

twenty (20) years, and Open Space expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit.

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of the County as follows:

1. Calling of the Election. The Board of County Commissioners of the County hereby calls and directs a special County election to be held on November 2, 2004, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

2. Conduct of the Election. All qualified electors of the County shall be entitled to vote at the bond election. The Gallatin County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the County entitled to vote in the election in the County and to conduct the election in the form and manner prescribed by law. The Election Administrator shall prepare the ballot and arrange for the printing of the ballot.

3. Notice of Election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by publishing notice at least once a week for the three consecutive weeks before the election in the Bozeman Chronicle, a newspaper of general circulation in the County. The notice of election as published shall read substantially as follows:

NOTICE OF OPEN SPACE GENERAL OBLIGATION BOND ELECTION

Gallatin County, Montana

November 2, 2004

NOTICE IS HEREBY GIVEN by the board of County Commissioners (the "Board") of Gallatin County, Montana (the "County"), that pursuant to a certain resolution duly adopted at the regular meeting of the Board on June 29, 2004, a special election of the registered voters of the County will be held on November 2, 2004, in conjunction with the general election, for the purpose of voting on the following question:

Shall the Board of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

The polling places for the election shall be the normal polling places for County residents during the general election and the polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., except for the polling places at Precinct 15 (Pass Creek School) at which polls shall be open between the hours of 12:00 p.m. and 8:00 p.m.

Absentee ballots may be obtained at the office of the Gallatin County Election Administrator at 311 West Main, Room 103, Bozeman, Montana until 12:00 noon November 1, 2004.

County Clerk and Recorder

Publish: _____, 2004
 _____, 2004
 _____, 2004

4. Ballots: The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The Ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
GALLATIN COUNTY, MONTANA
OPEN SPACE GENERAL OBLIGATION BOND ELECTION
NOVEMBER 2, 2004

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS – YES" if you wish to vote for the bond issue; if you are opposed to the bond issue make an X or similar mark in the square before the words "BONDS – NO".

Shall the Board of County Commissioners be authorized to issue and sell additional general obligation bonds of the County, in the amount of up to \$10,000,000, for the purpose of preserving "Open Space" as defined under Title 76, Chapter 6 M.C.A. (the "Act"), in Gallatin County by purchasing land and conservation easements from willing landowners to conserve farm and ranch lands, provide recreation, protect water quality of streams and rivers, manage growth, protect wildlife areas and for other purposes authorized under the Act and with all expenditures based on recommendations of the Open Lands Board (citizen's advisory committee), after public comment, and subject to an independent audit; which bonds shall bear interest at a rate to be determined by the Board of County Commissioners, payable semiannually during a term of not to exceed twenty (20) years?

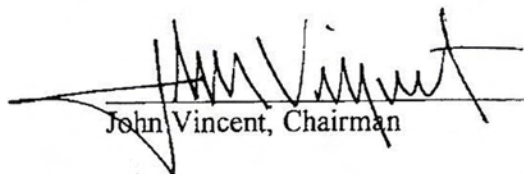
- ☐ OPEN SPACE BONDS – YES
- ☐ OPEN SPACE BONDS – NO

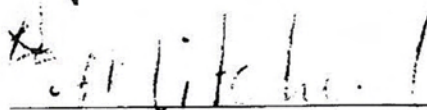
6. That a copy of this resolution will be provided to the Election Administrator as soon as possible after its adoption and approval in order to inform him/her of the details of the election and pertinent requests and authorizations as to the conduct of the election.

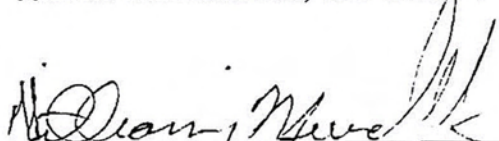
7. Open Space Bond Account: Use of Bond Proceeds. If authorized to issue and sell bonds for the purposes set forth in this resolution, the County will deposit the proceeds of such bonds, exclusive of accrued interest, in the Open Space Acquisition Bond Account, and used such proceeds for the authorized purposes, consistent with the requirements of Section 8 hereof, as may be further augmented by a subsequent resolution or ordinance of the Board of County Commissioners.

8. Procedure. Limitations and Expenditure of Open Space Bond Acquisitions Account. With respect to the expenditure of funds from the Open Space Bond Acquisition Account, the Board of County Commissioners hereby agrees and covenants that no expenditures will be made from the Open Space Bond Acquisition Account unless recommended by the Open Lands Board after public comment.

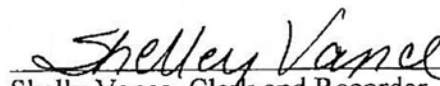
PASSED AND ADOPTED by the Board of County Commissioners of Gallatin County, Montana this 29th day of June 2004.


John Vincent, Chairman


Jennifer Smith Mitchell, Commissioner


William Murdock, Commissioner

Attest:


Shelly Vance, Clerk and Recorder